

Marion County

OREGON

PUBLIC WORKS



(503) 588-5036

MEMORANDUM

July 30, 2019

BOARD OF COMMISSIONERS

Kevin Cameron
Sam Brentano
Colm Willis

DIRECTOR

Brian Nicholas, P.E.

ADMINISTRATION

BUILDING INSPECTION

TO: Seth Thompson, Planning Division
FROM: Max Hepburn, Public Works Engineering Division

RE: CU19-024; 8710 Parrish Gap Road SE, Salem

A Conditional Use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres within an EFU zone. Public Works Engineering Division Conditions, Requirements, and Advisories are given below.

ENGINEERING CONDITIONS

Public Works Engineering requests that the following Conditions are included in the approval of the land use case:

Condition A – Prior to building permit issuance, Applicant shall provide evidence of a recorded 30-foot right-of-way half-width dedication along the Parrish Gap Road frontage to meet the Minor Collector standard per the Marion County Transportation System Plan.

Nexus for the above Condition is the anticipated increase in traffic brought about by the proposed commercial development. The requested Condition is in general accordance with Marion County Code 17.110.780(A) of the Rural Zone Code of Marion County, wherein all street rights-of-ways, pavement widths, shoulder widths and other design features shall meet Marion County Engineering Standards, and aligns with Section 17.119.060 that authorizes imposition of reasonable and necessary conditions for Conditional Uses.

Condition B – At the time of application for building permits, Applicant will be required to apply for and obtain an Access Permit. Under the Access Permit the access to be used for the commercial activity shall be paved a minimum of 50 feet back from edge of asphalt, and there may be some requisite gravel shoulder work obliged in the vicinity of the access. The fencing and gate at the northern access shall also be removed from the public right-of-way. Vegetation trimming may be necessary to achieve adequate sight distance.

Access is typically an Engineering Requirement but has been elevated to a Condition as a matter of timing. In accordance with Marion County Driveway Code 11.10, driveway permits will be required for any new access or change in use of the existing access to the public right-of-way. Driveways must meet sight distance, design, spacing, and safety standards.

To: Seth Thompson, Planning Department
From: Max Hepburn, PW Engineering
RE: CU19-024
Date: July 30, 2019

Page 2

ENGINEERING REQUIREMENTS

Please note that the following Requirements will be included in the Planning Department's forthcoming Notice of Decision.

C. A civil site plan is required for 0.5-acres or more of proposed development. This should be submitted in advance of application for building permits to allow adequate time for review. A traffic circulation and parking plan needs to be included.

D. The County requires any development having 0.5 acre or more of impervious (hard) surface to provide storm water detention. As such, the applicant may need to provide storm-water detention systems that detain enough of the storm-water runoff on site so that there is no net rate increase in storm-water flow from the subject property. Such a system shall be sized and modified so that it will detain the difference between a 5-year frequency storm with pre-development conditions and a 10-year frequency storm under development conditions. Acceptable drainage and detention systems must be designed and approved prior to issuance of a building permit. Any such system, as required, must be constructed and approved by Public Works prior to final building inspection.

E. Evidence of a DEQ National Pollutant Discharge Elimination System (NPDES) 1200-C permit is required for all construction activities that disturb one-acre or more. Please be advised that USDA does not govern ground disturbing activities for this type of commercial use.

F. The subject property is within the unincorporated area of Marion County and will be assessed Transportation System Development Charges (SDCs) upon application for building permits, per Marion County Ordinance #00-10R.

ENGINEERING ADVISORIES

Applicant should also be aware of the following, which will be included in the Planning Department's forthcoming Notice of Decision:

G. Per County GIS records, an unnamed natural drainageway passes through the middle of the property from southwest to northeast. Construction of improvements on the property should not block historical or naturally occurring runoff from adjacent properties. Furthermore, site grading should not impact surrounding properties, roads, or drainage ways in a negative manner.

H. It is the responsibility of the Applicant to preserve and protect the current Pavement Condition Index (or PCI) rating and the structural integrity of adjacent county roads to the satisfaction of Marion County Public Works during transport of materials and construction activities. Failure to preserve and protect the road may result in the applicant being responsible for replacing or reconstructing the damaged road at his/her own expense.

MH:ds

cc: Kenneth Safley via email: ksafley@schwabe.com

MARION COUNTY PLANNING DIVISION

REQUEST FOR COMMENTS

DATE: July 17, 2019

CASE: Conditional Use 19-024

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parrish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

The Planning Division is soliciting comments you may wish to have considered in the County's review of the above described land use case. A map of the subject property is attached.

Send comments or questions to:

E-Mail: slthompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- X We have reviewed the proposal and determined that we have no comment.

— We would like to receive a copy of the staff decision and notice of any public hearings in this case.

— Our comments are in the attached letter.

— Our comments are:

Name: Austin Dhillon
Agency: Tax Office
Phone: _____
Address: _____
Date: 7/17/19

MARION COUNTY PLANNING DIVISION

REQUEST FOR COMMENTS

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Turner OR 97392

Kenneth Safley
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Portland OR 97204

The Planning Division is soliciting comments you may wish to have considered in the County's review of the above described land use case. A map of the subject property is attached.

Comments must be submitted in writing and received in our office by 5:00 on July 29, 2019.
If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:

Seth Thompson
E-Mail: sithompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our comments are:
 - Site Evaluation Required to establish septic system(s)

Name: Matthew Puntney, REHS
Agency: Building Inspection
Phone: 503-365-3165
Address: mpuntney@co.marion.or.us
Date: 7/17/2019

Seth Thompson - Re: Request for Comments - Conditional Use 19-024

From: David Eubanks
To: Seth Thompson
Date: 7/23/2019 12:48 PM
Subject: Re: Request for Comments - Conditional Use 19-024
Attachments: David Eubanks.vcf

I have reviewed the request and based on the information given to me a building permits are required for new construction.

David Eubanks
Building Plans Examiner
Marion County Public Works
5155 Silverton Rd. NE, Salem, OR 97305
(503) 566-3982
DEubanks@co.marion.or.us

>>> Tami Amala 7/17/2019 9:22 AM >>>
See attached. Send comments to sithompson@co.marion.or.us

MARION COUNTY PLANNING DIVISION

F. - RECEIVED

REQUEST FOR COMMENTS

JUL 22 2019

DATE: July 17, 2019

CASE: Conditional Use 19-024

Marion County
Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

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Portland OR 97204

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Seth Thompson
E-Mail: sltompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

We have reviewed the proposal and determined that we have no comment.

We would like to receive a copy of the staff decision and notice of any public hearings in this case.

Our comments are in the attached letter.

Our comments are:

Name: Amber Cross
Agency: Tulare - Firc. District
Phone: 503 - 743 - 2190
Address: 7605 3rd St SE Turner, OR 97392
Date: _____

BOARD OF DIRECTORS

Chuck Roberts
Claude Kennedy
Ed Humber
D. Craig Anderson
Gene Schaefer

FIRE CHIEF
Jon D. Remy Jr.

RECEIVED



JUL 22 2019

Marion County
Planning

July 22, 2019

To Whom It May Concern,

Turner Fire District is concerned about this potential project located at 8710 Parrish Gap Rd SE in Turner. It is important to the Fire District that all aspects from the initial project proposal to construction, access and water supply be carefully reviewed and that all fire and life safety features and ordinances are adhered to.

This potential project will increase the amount of traffic near the intersection of Parrish Gap Rd and Delaney Rd. This intersection has been very unforgiving over the years with the narrow and curved roads in that area. We are very concerned for people that will be traveling Parrish Gap Rd.

It is important to Turner Fire District that we stay actively involved with this potential project. If you have any additional questions or concerns, please feel to contact me at (503) 743-2190.

Sincerely,


Amber Cross
Division Chief- Fire Marshal
(503) 743-2190

REVIEWED

JUL 24 2019

Marion County
Planning

Seth Thompson - Conditional Use 19-024

From: Jon Remy <jonr@turnerfire.com>
To: "slthompson@co.marion.or.us" <slthompson@co.marion.or.us>
Date: 7/24/2019 12:05 PM
Subject: Conditional Use 19-024
Cc: Amber Cross <amberc@turnerfire.com>

Seth,

If appropriate, please associate this email with our previous TFD comments related to Conditional Use Application 19-024. In the days since receiving notification of the application, TFD has begun research on what is involved in providing fire protection to such facilities. As we indicated in our previous comment, we have significant concerns about protecting such large structures housing such processes. Our initial comment was designed to issue a very strong warning about fire protection while acknowledging that our detailed, formal opinion could come only after we have received careful plans for proposed structures and detailed descriptions of the activities associated with the proposed buildings. Obviously, those are not currently in our possession and while that is understandable, it is concerning.

I have become aware that there may be debate about the classification of the construction often associated with similar projects. As you know, that building-use (occupancy) classification drives much of the conversation about appropriate fire protection and the requirements for fire sprinklers, stored water, etc. The TFD assumes that Marion County will classify the main structure as an 'F' occupancy which would trigger conversations about fire sprinklers, etc. I have come to understand that there may be disagreement (varied opinions) between agencies and authorities on how to classify these very large manufacturing facilities that are related to agriculture and constructed in rural areas (and on roads) that do not anticipate such construction.

Can you assure me that Marion County will understand these issues and bring them to conclusion before permitting the conditional use? I know it is obvious to you that controversial fire protection issues must be fully addressed before construction is allowed and I appreciate the opportunity to participate in the process. It is also obvious to you that the Marion County Sheriff's Office and the TFD have responded to a significant number of catastrophic motor vehicle crashes in that area and before the TFD can support such a project, we would need a full understanding of the plan for making nearby roads and intersections safe and navigable not only for the pedestrians headed to school bus stops and agricultural traffic, but for TFD engines, tenders, rescues and ambulances.

Again, please assure me that these issues will be fully understood and mitigated as this process continues. I am sure you understand my concern.

Thanks,
Jon Remy Jr.
TFD Chief

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JUL 24 2019

From: Laurel Hines <laulehines@gmail.com>
To: <sithompson@co.marion.or.us>
Date: 7/24/2019 10:59 AM
Subject: CU 19-024

Planning
County

I urge that the County reject the Conditional Use permit CU 19-024 for a CBD processing facility on Parish Gap Road on 37 acres of prime farmland.

I understand that the facility would process an agricultural product, but the processing of this product would really be more of a factory type process, requiring big trucks, complicated processing devices/facilities, and a big parking lot. This type of facility should be in an industrial area, not taking up prime farmland that is already disappearing, and will become even scarcer in the future.

This facility would make this 37 acres unusable for any farming in the future, even if the public should move on from use of CBD to some to-be-discovered better drug or herbal treatment that may replace CBD, putting the proposed facility out of business, and creating a facility inappropriate for any other agricultural use.

Parish Gap road is an inappropriate rural road for the travel of many trucks to and from a processing plant. This is only one mile from a small country school (Cloverdale). The traffic issues are a major concern. The noise and other issues it may create could interfere with other agricultural uses in the area.

The proposed location is totally inappropriate for this use. I urge that the request be denied and that the persons applying be urged to find a reasonable industrially zoned property for this use.

Laurel Hines (AAC #1)

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MARION COUNTY PLANNING DIVISION

RECEIVED

REQUEST FOR COMMENTS

JUL 24 2019

DATE: July 17, 2019
CASE: Conditional Use 19-024

Marion County
Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

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Turner OR 97392

Kenneth Safley
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- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.

X Our comments are:

TWO MUCH TRAFFIC ON ROAD + SMELL OF HEMP-STINKS!
LAND TO WET - FLOODS IN WINTER
PROCESSING FACILITY SHOULD BE IN INDUSTRIAL COMPLEX AREA

Name: RICHARD P. HEN
Agency: FARM OWNER - NEXT DOOR
Phone: 503-362-3690
Address: 8785 PARISH GAP RD. SE, TURNER, OREGON 97392
Date: 7-23-2019

RECEIVED

JUL 26 2019

**FRIENDS
of
MARION
COUNTY**



July 29, 2019

Marion County
Planning

Marion County Planning Division
5155 Silverton Rd., NE
Salem, OR 97305

RE: CU19-024 (Bell) - Request For Denial

To Marion County Planning Division:

OFFICERS

Roger Kaye
President

Joe Kuehn
Vice-President

Richard van Pelt
Secretary

Friends of Marion County is an independent 501(c) (3) farmland protection organization founded in 1998. Our mission is to protect farm and forestland, parks, and open space in Marion County.

We oppose and request denial for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU zone located at 8710 Parrish Gap Rd., SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900)).

We have reviewed the application submitted to Marion County on July 15, 2019. The application is minimal in its descriptions and fails to provide sufficient information. We've enumerated the following concerns and without further clarification the application cannot be approved.

1. Farm Use - The Applicant states "3. FINDING: The property is not within a wildlife habitat area, groundwater limited area,...". However the Applicant erred in this statement and the property is located in the Marion County SGO-5 overlay zone (see attached map). This is a groundwater limited area with no further groundwater appropriation permitted for irrigation purposes. The Applicant does not have a current water right registered with Oregon Water Resources Dept. (OWRD). Since the farming of hemp requires crop irrigation at the time of planting and in the dry summer and dry early fall seasons, the Applicant is unable to farm the crop on this property. Therefore the Applicant cannot meet the threshold required that the processing of the product be in conjunction with farm use.

The proposed distribution and processing operation relies on hemp plants not grown on the property. The site consists of (i) a single, 12,000 SF building that will be a "Processing Facility" and (ii) at least four other structures that would be "farm use buildings."

The total area of the four "farm use buildings" is 75,800 SF, over six times the size of the "Processing Facility."

The Applicant's Statement implies that all these buildings are combined into an "agricultural processing facility" that will be a "commercial activity in conjunction with a farm use."

Applicant's Statement refers to a 476-acre "Crop Site" in Marion County where the hemp to be processed by this facility will be grown. Whether some or all of this "Crop Site" is in close proximity to the proposed Processing Facility is questionable. "A facility for the processing of farm crops ... [may be allowed in an area zoned for exclusive farm use] if the facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility...." ORS 215.283(1)(r). The Applicant has not shown where the crop site is located and needs to identify the location of the site or sites. The Applicant must show that at least some of the crops are to be grown on-site. (ORS 215.283(2) and *Craven v. Jackson County*, 308 Or 281.)

The proposed development's "Processing Facility" will apparently have an area of 12,000 square feet. "If a building is established or used for the processing facility...", the farm operator may not devote more than 10,000 square feet of floor area to the processing facility..." ORS 215.283(1)(r).

It is not clear that the drying structures, administration building, and motor pool fit within the definition of farm use. For example, is the inside and outside drying part of the processing activity, or is it "preparation" of agricultural products?

2. Facility Operations - For an industrial application such as is proposed here, the Applicant must provide more information about the operation of the facilities. Hours of operation, deliveries and shipments per day, odor control beyond the property boundaries, seasonal impacts on neighboring farms, facility security plan, and disposal of processing waste are just a few of the issues that must be addressed in the application. Furthermore, the Applicant says there will be "no open storage of hemp...outside of the Processing Facility," but the site plan shows an outside drying facility. In (ORS 215.296) the Supreme Court clarified the significance test which applies to the immediate area around the proposed conditional use and that "significance" is evaluated in terms of the "adverse changes in farm practices" and the "costs" to those practices of the proposed non-farm use. The Applicant must address the issue and the potential effect of outside storage/drying of hemp on the surrounding lands. In addition, there are several farmers that grow hay for livestock directly opposite the facility on Parish Gap Rd. During the height of hemp processing, farmers process and sell hay to the public. Due to the difficulty of negotiating onto the fields from this very curvy and treacherous section of the road, these farmers' sales operations will be impeded and they are expected to lose sales.

The Applicant does not indicate what the hemp will be processed into. The Applicant needs to clarify this. Processing of hemp into fiber requires a very different method than

processing the hemp into oils. The processing of hemp into oils requires chemical extraction and distillation equipment which can be considered hazardous and may have a significant effect on adjacent farmland. The Applicant needs to explain the steps in the process and to explain how the outside drying and inside drying relate to the extraction/processing. The layout of the proposed facility makes it look like the drying is not related to the extraction because the storage area is in the middle of the two areas. It seems like an inefficient layout if the facility will be extracting something from dried hemp. Does this mean the facility has two different products, dried hemp and processed hemp?

3. Traffic Issues -The Applicant has not mentioned the hours of operation. They have planned for a motor pool building which may be required in order to receive plant material and deliver finished product. Hemp, usually harvested mid-September to mid-October, comes after the normal harvest period of other crops in the area, i.e., wheat, corn, grass seed, hay, etc. This latter harvest period means that Cloverdale Elementary School (9666 Parrish Gap Rd SE, Turner, OR 97392), located very near the processing plant, will be in session.

Cascade School District (10226 Marion Road SE, Turner, OR 97392, Phone: (503) 749-8010 Fax: (503) 749-8019) operates school buses along Parrish Gap Rd. that make several stops to pick-up and drop-off children. Many parents choose to drop-off and pick-up their children at the same time as the busses. This activity causes a major traffic jam on Parrish Gap Rd. directly in front of the school.

Delaney/I-5 to Summit Loop Rd survey (see attached EXCEL file) identifies 33 points that reflect the hazardous path from I-5 to the Applicant's facility then 1 mile further to Cloverdale Elementary School and onto Summit Loop. The road map (see attached map) identifies 11 points of particular importance. The Applicant's facility is identified on the map, #12, which is right in the middle of a hazardous curve identified with a 30 MPH speed limit sign and 4 RT arrows. The Applicant's facility is located one mile from Cloverdale Elementary School.

Along its length from I-5/Delaney Rd. to Parrish Gap Rd., Delaney Rd. is a 14 ft. wide lane county road with 3 ft. shoulders. Parrish Gap Rd. is a 10 ft. wide county road without shoulders and very few turnouts. It begins with a 126 degree obtuse turn to the south from Delaney Rd. heading south. There is a problem with trucks negotiating this turn. Traffic headed west to I-5 must often wait for a truck to make that turn. Several milk trucks that serve dairies in the area are truck-trailer doubles that have a particularly difficult time making that turn. Just two years ago there was a fatal crash at that intersection. Drivers unfamiliar with the road while driving east on Delaney Rd. at 50

mph cannot see the intersection with Parrish Gap Rd. and do not have enough time to stop. Drivers heading west to I-5 on Delaney Rd. from Parrish Gap Rd. cannot gauge distance from a speeding vehicle coming down the hill toward them.

Parrish Gap Rd. continues on a meandering and hilly path south to the City of Jefferson. Along the way there is several 90 degree turns marked with arrow (>) traffic warning signs. Many of these have been demolished over the years by drivers unfamiliar with the road. In foggy or slippery conditions these turns become treacherous.

The total distance from I-5 to Summit Loop is only 4.0 miles. There are numerous traffic hazards along the way, far more than the average 4 mile stretch of a Marion County farm road. This is an unacceptable risk to Cloverdale Elementary School students who ride the busses twice each day.

The attached map (Oregon Transportation Safety Data Explorer (OTSDE)) shows the traffic crash history for the five year period from 2012-2016 from Delaney Rd. → Parrish Gap Rd. → Summit Loop. ODOT reports Fatal=1, Serious Injury=0, Moderate Injury=6, Minor Injury=4, Property Damage Only=7 incidents. This data does not reflect the numerous other incidents that often go unreported, including destruction of highway stop and curve warning signs.

In light of the issues raised Friends of Marion County opposes this application and requests a denial.

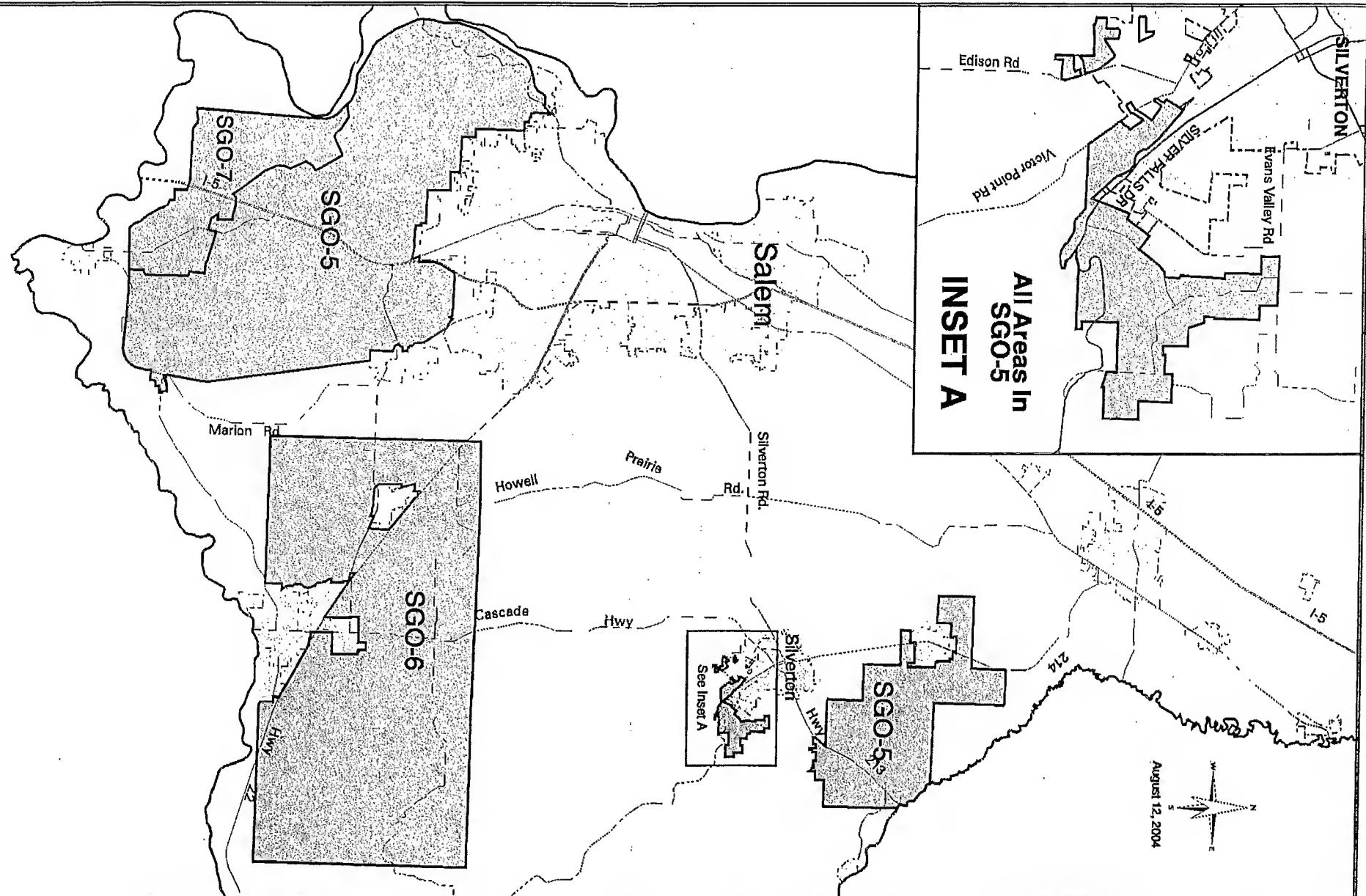
Sincerely,

Roger Kaye, President
rkaye2@gmail.com
(503)743-4567

Attachments:

1. Marion County SGO Overlay Zone Map
2. 5-Year ODOT Crash Data (2012-2016)
Oregon Transportation Safety Data Explorer (OTSDE))
3. Road Map: I-5/Delaney Rd. → Parrish Gap Rd. → Summit Loop Rd.
4. Delaney/I-5 to Summit Loop Road Survey Data

EXHIBIT B
SGO Overlay Zone



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JUL 26 2019

Marion County
Planning

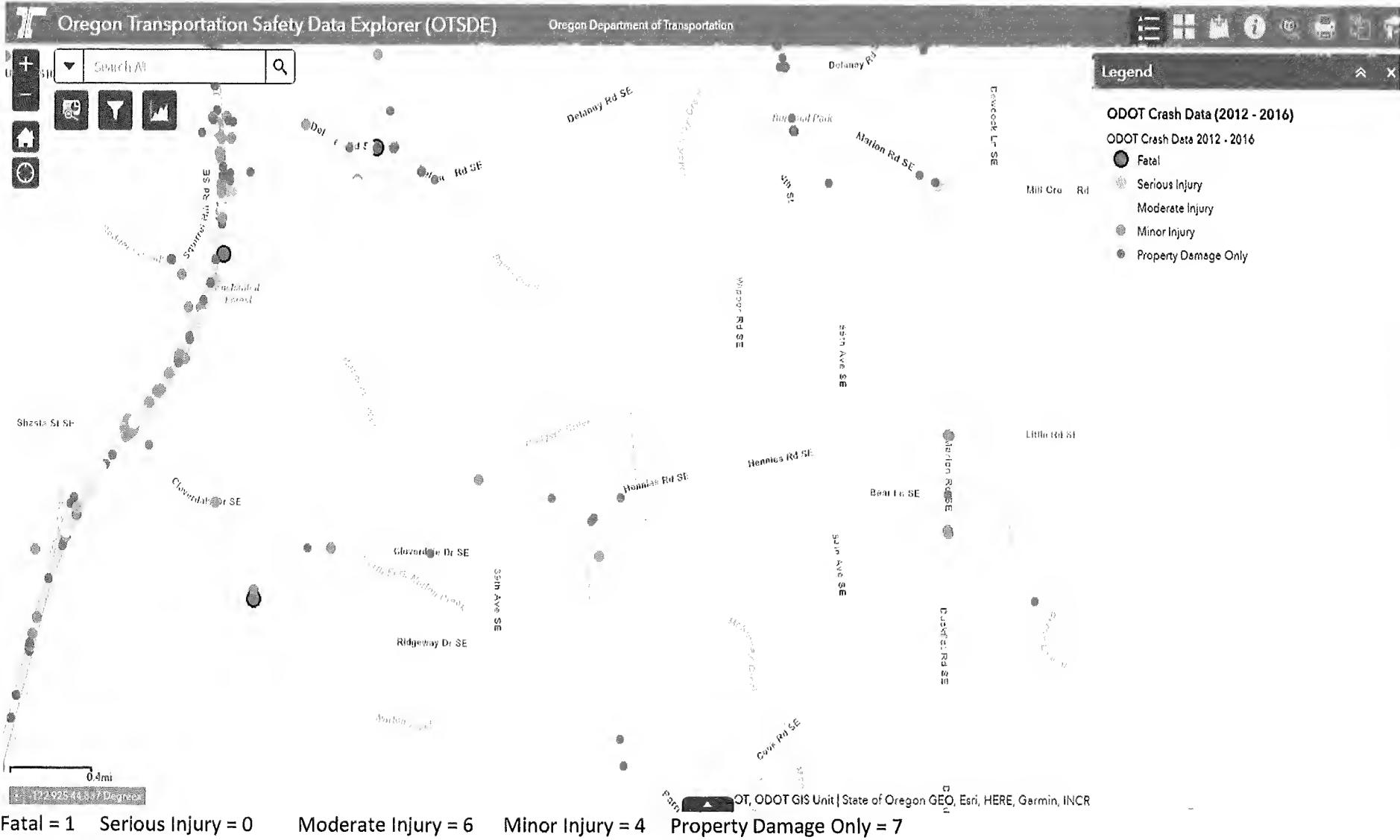
Delaney/I-5 to Summit Loop Road Survey

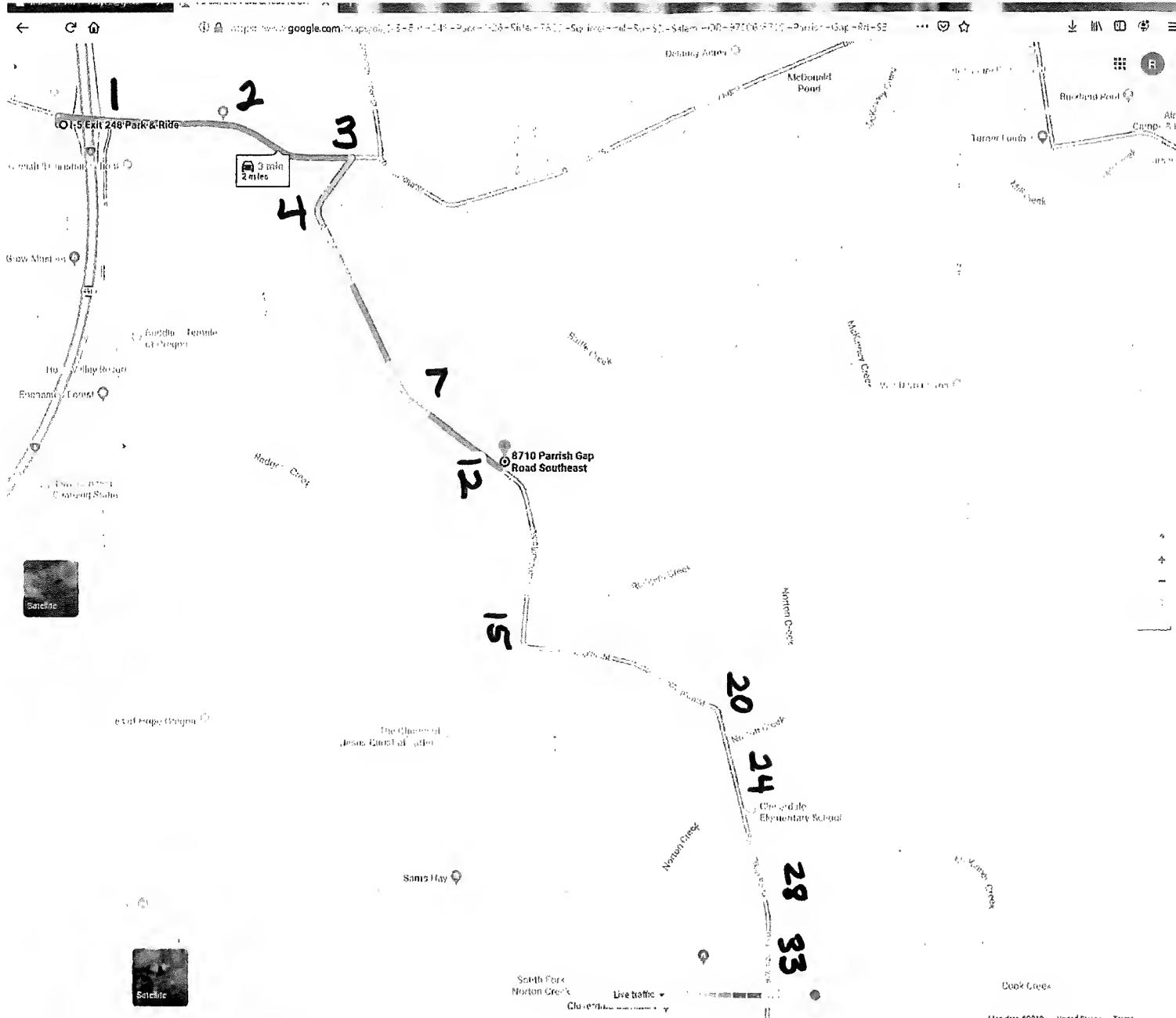
Location #	Begin Location	Feature	End Location	Feature	Miles from I-5	Notes
1	I-5/Delaney	Intersection	8ear Creek Ln PVT	Intersection	0.4	14' Lane + 3' Shoulder
2		Road Sign		<- 40 MPH	0.5	
3		Intersection	Parrish Gap	Intersection + 126 degree Rt Turn	0.7	10' Lane + No Shoulder + Fatal Accident
4		Road Sign		Curve 30 MPH	0.8	
5		4 Road Signs		<<<	0.9	
6	Parrish Gap Rd., SE	Intersection	Roaming Horse Ln PVT	<- 35 MPH	1.4	
7		3 Road Signs	8525 Parrish Gap	<<<	1.4	Numerous Accidents - Property + Injury
8			8585 Parrish Gap	Red Triangle - Slow - Private Marker	1.6	Red Cow Barn - Property Damage
9			8675 Parrish Gap	Residence		
10			8685 Parrish Gap	Residence		
11		Road Sign		>	1.8	
12		4 Road Signs	8710 Parrish Gap	>>> 30 MPH	2.0	Applicant Property
13			901S + 903S Parrish Gap	Residences	2.2	Blind Elevation
14			Ken Lee Ln PVT	Residences	2.3	Turnout
15		4 Road Signs		<<< - 20 MPH	2.3	90 degree Left Curve - Often Slippery
16			9235 Parrish Gap		2.6	Top of Hill - Blind Elevation
17			9245 Parrish Gap	Driveway Mirror - Blind		
18		Intersection	Clover Lane		2.7	
19			9325 Parrish Gap	Warning Sign - Stop Ahead	2.8	
20		Traffic Control	Stop Sign	Fork in Road	2.9	LT Hennies - RT Parrish Gap
21			9445 Parrish Gap	Residence		
22		Intersection	Parrish Gap Rd/Cloverdale Rd		3.1	Cloverdale Rd Drivers Crash Thru Stop Sign
23				Begin School Zone	3.2	
24			9666 Parrish Gap	Cloverdale School + Parking Lot		
25				20 MPH School Zone		Flashing Light
26				End School Zone	3.3	
27			9696 Parrish Gap	Residence		
28		Intersection	Parrish Gap/Ridgeway		3.6	Ridgeway Stop Sign - Steep Entry to Parrish Gap
29			10135 + 10136 Parrish Gap	Residences	3.9	
30			Cemetery Rd			Gravel
31			Road Sign	<-		
32		4 Road Signs	<<<	Curve Ahead - 25 MPH		
33		Intersection	Parrish Gap/Summit Loop.		4.0	

Inbox (1,165) - rkaye2@gmail.com

Oregon Transportation Safety

https://geomaps.arcgis.com/apps/webappviewer/index.html?id=df0b3rdb2f1149d3bd43436bc1dd4eac





RECEIVED

July 26, 2019

JUL 26 2019

**Marion County
Planning**

MARION COUNTY PLANNING DIVISION

Seth Thompson
5155 Silverton Rd NE
Salem, OR 97305

RE: NO on 19-024

Mr. Thompson,

My name is Brett Stegall; I am a neighbor to the Cloverdale Elementary School and I'm on the Cascade School Board. I'm also the parent of students that attend the Cascade School District.

I'm writing to you as a parent of kids going to school in the district. I have kids that ride the bus and kids that are new drivers on the roadway.

I have concerns about the conditional use application for the commercial facility at 8710 Parrish Gap Rd. SE, Salem. This facility is proposed for a location that is just over one mile from the Cloverdale Elementary School on a road with very limited visibility. My concern is for the safety of my kids and the safety of the other families and children in the area on this stretch of road.

My understanding is that the commercial use of this location will increase the amount of heavy truck use on the road. The roadway in front of this location is a double yellow line. Coming from the south is a blind 35 MPH turn. Coming from the north is a blind hill/rise. Heavy truck traffic turning into this location from either direction, regardless of where the entrance to the facility is placed and trucks pulling out onto the roadway from the location will cause a driving hazard. The blind spots in the roadway on either side of 8710 Parrish Gap Rd SE appear to greatly increase the likeliness of an accident between private passenger vehicles and heavy trucks using the facility. This section of roadway appears to not be suitable for continuous truck traffic into & out of that property.

And the intersections at either end of the stretch of road in question are also a challenge. The southern intersection is a 3-way yield & stop sign combo and the northern intersection if coming from I-5 is a hard right hand turn that is downhill and more than 90 degrees; making for a VERY sharp turn that is exceptionally difficult if one is not familiar with the route.

For the safety of my children and the other children of the Cascade School District I ask you to please reject the Conditional Use Application 19-024.

Thank you,



Brett Stegall

MARION COUNTY PLANNING DIVISION RECEIVED

REQUEST FOR COMMENTS

JUL 26 2019

CASE: Conditional Use 19-024
Marion County Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

The Planning Division is soliciting comments you may wish to have considered in the County's review of the above described land use case. A map of the subject property is attached.

Comments must be submitted in writing and received in our office by 5:00 on July 29, 2019.
If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:

Seth Thompson
E-Mail: slthompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our comments are:

*My concerns are based on lower property values, school: bus transportation
Students waiting for the bus, etc.; the curve where the entrance + exit
will be and the "honesty" the ~~oppose~~ deal*

Name: Galen Carlile
Agency: Near by Property Owner
Phone: 503 743 2889
Address: 9225 Parrish Gap Rd Turner 97392
Date: 7/26/2019

MARION COUNTY PLANNING DIVISION **RECEIVED**

REQUEST FOR COMMENTS

DATE: July 17, 2019

CASE: Conditional Use 19-024

Marion County
Planning

JUL 26 2019

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parrish Gap Road SE, Salem (T8S, R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

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- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.

Our comments are:

Many concerns re: increased traffic on a high risk corner, smells from said processing plant, and many more

Name: Dannie Jasinski

Agency: _____

Phone: 503-467-1791
Address: PO Box 10449 Turner OR 97392

Date: July 26, 2019

RECEIVED Page 1 of 2

JUL 26 2019

Seth Thompson - Comments on Conditional Use 19-024 **Marion County Planning**

From: <ddrill@cascade.k12.or.us>
To: "slthompson@co.marion.or.us" <slthompson@co.marion.or.us>
Date: 7/26/2019 10:00 AM
Subject: Comments on Conditional Use 19-024
Attachments: Marion County Planning Division.pdf

Mr. Thompson,

My name is Darin Drill and I am the Superintendent of Cascade School District located in south Marion County. One of the elementary schools in my district is Cloverdale Elementary School, located at 9666 Parrish Gap Road, SE, Turner, Oregon 97392. This elementary school is located very close to the property in question for this application for a conditional use to establish a hemp processing facility on this property. Cascade School District is opposed to this conditional use due to the safety of its students, staff, and parents who travel Parrish Gap Road every school day to drop off and pick up their school age children.

No less than three school buses travel Parrish Gap Road every school day, both in the morning and in the afternoon, for drop off and pick up of the young students who attend Cloverdale Elementary School. Further, students, staff and parents of Turner Elementary school, Cascade Junior and Cascade Senior High School use Parrish Gap Road on a daily basis to get to their respective schools within the Cascade School District. Within the applicant's statement, under section C, "Commercial Activities In Conjunction With Farm Use," the Finding in #2, states that hemp farmers in the nearby cities of Genais, Woodburn, and St. Paul will be using this processing facility. This means that on a daily basis, during the same times as the drop off and pick up of elementary school age students, middle school students, and high school students, these large trucks carrying hemp will be on Parrish Gap Road going to and from this processing plant. That is a tragic accident just waiting to happen that will involve young children being transported by school bus, or by parents' vehicles. Parrish Gap Road is narrow with many curves along the way. In the exact spot that this processing plant is being proposed to be placed, there is a rise in the road with limited visibility from one direction and a fairly sharp curve from the other direction. Many traffic accidents have occurred on this road and in the same area over many years. Put simply, there is no safe access point on this property for large trucks to enter and exit with school buses and other vehicles on this country road on a regular basis. By allowing this permit to go through Marion County is approving a very high likelihood that a large truck and a school bus or parents with children in their own vehicles will collide with tragic consequences. Further, if the processing plant is successful, it seems logical that this facility will also cater to hemp farmers south of this facility which means that large delivery trucks could end up driving right in front of Cloverdale Elementary School on a very regular basis coming from the southern part of the Willamette Valley. That would be an even more dangerous situation for our young students, staff, and parents.

A facility of this size and magnitude belongs in an industrial park, not near an elementary school where large processing trucks and school buses will share a small country road without a good place to exit or enter. Please deny this application for use on this property.

Sincerely,

Darin Drill, Superintendent
Cascade School District

Sent from Mail for Windows 10

MARION COUNTY PLANNING DIVISION **RECEIVED**

REQUEST FOR COMMENTS

JUL 26 2019

DATE: July 17, 2019
CASE: Conditional Use 19-024

Marion County
Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an FFU (Exclusive Farm Use) zone located at 8710 Parrish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

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Seth Thompson
E-Mail: slthompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter. E-mail.
- Our comments are:

Name: Darin Drill, Superintendent
Agency: Cascade School District
Phone: 503-749-8010 Ext 1901
Address: 10226 Marion Rd. SE, Turner, OR 97392
Date: July 26, 2019

RECEIVED

JUL 23 2019

Marion County
Planning

Will & Holly Woods
8665 Parrish Gap Rd. SE
Turner, OR 97392

July 28, 2019

Seth Thompson
Marion County Planning Division
5155 Silverton Rd. NE
Salem, OR 97305
sithompson@co.marion.or.us

Re: Conditional Use 19-024 Comments

To whom it may concern,

We'd like to begin our written comments by stating that we have no opposition to the hemp industry and all of our comments are in regards to the applicant's written responses in the conditional use application and whether the proposed uses satisfy the relevant approval criteria for EFU zoning according to Marion County Code.

According to our understanding of the applicant's proposed property use, the applicant plan to construct a total of 87,800 square feet of commercial buildings in the form of:

- A 50,000 square foot commercial building;
- A 15,000 square foot commercial building;
- A 12,000 square foot commercial building;
- A 6,000 square foot commercial office building; and
- A 4,800 square foot commercial building.

To our understanding, the applicant does not intend to grow any crops at the proposed site and only plans to process crops grown elsewhere in Oregon and not even in the immediate vicinity of the proposed site.

At first glance to the, the proposed use appears to be almost entirely industrial-focused and the only link to agriculture appears to be that the materials being processed are grown from the earth. In our humble opinion, the proposed use doesn't seem much different than if Frito-Lay proposed a new manufacturing facility in Marion County EFU land and cited the use of potatoes and corn in the food products as the reasoning for a conditional use of the land. We would hope that Marion County would hesitate before approving that sort of request from a food manufacturer.

The application cites the following Marion County Codes (MCC) as relevant approval criteria:

- 17.136.050(D)(2) "Conditional Uses";
- 17.136.060(A) "Conditional Use Review Criteria";
- 17.136.060(D) "Commercial Activities in Conjunction with Farm Use";
- 17.136.060(I); and
- 17.136.100 "Development Requirements".

The reference of MCC17.136.050(D)(2) as relevant approval criteria would lead us to believe that the applicant does not intend to qualify for a permit under MCC17.136.040 “Uses Permitted Subject to Standards”. If this is the case, the applicant’s proposed use of the property must meet all necessary criteria under MCC17.136.050. Based on the information provided in the application, we do not believe the proposed use of the property meets the criteria outlined in MCC17.136.050.

MCC17.136.050(D)(2) states,

Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under MCC 17.136.040(F), and subject to MCC 17.136.060(D), but including a winery not permitted under MCC 17.136.040(B), but not including a medical marijuana processor as defined in MCC 17.110.376, subject to MCC 17.136.060(D).

To simplify this clause, the code appears to state that the following uses may be permitted in EFU zoning:

- Processing of farm crops into biofuel
- A Winery not permitted under MC17.136.040(B)

The code also explicitly excludes medical marijuana processing as an allowable use in the zoning. Since this clause in the code uses the term “including” when referencing specific activities, and the clause does not use the terminology “including but not limited to”, I believe this list is an all-inclusive list (as opposed to an open-ended list) of allowable uses under the umbrella of “commercial activities, in conjunction with farm use”. To further this point, the code uses the terminology of “including but not limited to” in MCC17.136.140(E), which demonstrates the document’s recognition of the difference in meaning.

A proposed use of a hemp processing facility does not meet the criteria for either of the allowable uses of processing crops into biofuel or a winery. Therefore, the proposed use does not meet the allowable use criteria under MCC17.136.050(D)(2) to be considered for a conditional use permit.

Since MCC17.036.050, which lists the criteria for conditional use, also states that the proposed use of the property must also satisfy “any additional criteria, requirements, and standards specified for use”, we think it is also worthwhile to at least consider how the proposed use of the property compares with the acceptable use criteria outlined under MCC17.136.040 for “Uses permitted subject to standards”. The application describes the proposed use as an “agricultural processing facility”, so it seems most appropriate to evaluate the proposed use of the property using the criteria contained within MCC17.136.040(F), titled “Facilities for Processing Farm Crops”.

Under MCC17.136.040(F)(1), the code states that “the farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility.” The proposed use for the property certainly does not meet this criteria, and claiming 476 acres of “Crop Site” away from the property and located throughout the state of Oregon does not seem a satisfactory fulfillment of this criteria.

In addition, MCC17.136.040(F)(2) states that “The building established for the processing facility shall not exceed 10,000 square feet of floor area...” The application states that the processing

facility will be located in a 12,000 square foot building and that the applicant will also construct a 15,000 square foot building for drying hemp. The application later goes on to state that,

The Processing Facility will also offer third-party drying services to farmers in the State of Oregon who grow hemp but cannot afford the cost of drying equipment. For this service, the Applicant will dry the farmer's hemp and return it to them without processing it.

Although the application creates a distinction between "processing" and "drying", it appears that both will be offered as services to the customers and both should be regarded as processing in terms of evaluating the proposed use of the site. If both "processing" and "drying" are considered part of the services offered, and therefore part of the "processing facility", then it could be concluded that the application is proposing 27,000 square feet (12,000 square foot processing facility building plus 15,000 square foot building for drying) of processing facility space. Not only would this proposed 27,000 square feet of processing facility space greatly exceed the 10,000 square foot limit, the applicant is proposing the construction of an additional 60,800 square feet of commercial buildings on the site. In our opinion, the proposed buildings would not satisfy the requirements in MCC17.136.040, which we believe to also be relevant criteria when considering approval of a conditional use permit under MCC17.136.050.

We also have concerns regarding the increased car and truck traffic that will be required for the construction of the proposed processing facility, as well as the increased car and truck traffic resulting from the operations of the facility. We did not see any documentation in the application addressing this issue. Under current conditions, the intersection of Parrish Gap Rd. SE and Delaney Rd. SE is a skewed intersection (not a perpendicular intersection of the roadways) on a down grade with limited site distance to see eastbound traffic on Delaney Rd. SE. On many occasions, we have witnessed large trucks, and even passenger cars, drive entirely into the oncoming lane when attempting a turn from eastbound on Delaney Rd. SE onto Parrish Gap Rd. SE. In our opinion, the addition of significant truck and car traffic volumes further compromises the safety of this already precarious intersection. One other traffic impact that should be considered is the affect that increased car and truck traffic may have on the southbound off-ramp from I-5 at Delaney Rd. At peak times, this off-ramp is at capacity with traffic backing up from the stop sign at Delaney Rd. to the interstate itself. All three hemp producing sites listed in the application (Gervais, Woodburn, and St. Paul) would require the transport of hemp from North to South, could potentially impact the congestion at the I-5 off-ramp, would increase congestion on Parrish Gap Rd SE, and would likely result in an increase in the frequency of trucks making the tight turn from eastbound Delaney Rd. SE to Parrish Gap Rd. SE.

In addition to worsened congestion from car and truck traffic, we'd like to point out that with increased traffic also comes increased road noise in the surrounding area. MCC17.136.060(A)(4) for conditional use review criteria states that "any noise associated with the use will not have a significant adverse impact on nearby land use." Although "land use" may most often be associated with farming activities, several lots in the immediate vicinity of the proposed site are zoned other than EFU with the primary use being residential dwellings. A significant increase in car and truck traffic, and the associated noise, would certainly have an adverse impact on the residences, and potentially the value of the property, adjacent to the road,

The application also addresses lighting for the proposed facility. The application states, "Additionally, lighting on the main processing facility building will be directed away from the

adjacent properties. Any security lighting will be that which is typically used for rural farm operations.” Although the application is proposing lighting “typically used for rural farm operations”, I believe the amount of security lighting needed to light 87,800 square feet of building would be very atypical in a rural setting. The application lacks necessary detail regarding lighting and the amount of light that will be needed for security purposes is concerning and potentially a major source of light pollution in an area that currently has very little.

Items of concern not addressed in the application are a description of the processing facilities hours of operation, the number of employees employed by the facility, the proposed square footage of paved surfaces, and the plan to handle rainfall runoff from the impervious surfaces. All of these factors seem relevant in determining the impact of the facility on the surrounding properties.

In summary, we have significant concerns about the proposed use the property and do not believe the proposed use satisfies the necessary criteria for a conditional use permit according to Marion County Code. Hemp appears to be a viable industry, however in its infancy as a legalized agricultural crop. According to the Oregonian, production of hemp was effectively legalized in Oregon just 4 years ago in 2015. It is not yet known if this is a viable industry that will stand the test of time, but the proposed buildings will forever alter the soil on which they will be constructed, deeming the high-value soil essentially unusable for future farm use. In addition, the proposed construction would significantly alter the landscape of the land and we have great concern about the precedence that may be set by an approval, as well as what affect any set precedence may have on the future of Marion County’s farmland.

Sincerely,

Will and Holly Woods

RECEIVED

JUL 28 2019

**Marion County
Planning**

To:

Mr. Seth Thompson

Marion County Planning Division

5155 Silverton Rd. NE,

Salem, OR 97305

From:

Robert Harrison
Zohreh Zarnegar

8685 Parrish Gap Rd SE

Tuner, OR 97392

RE: Conditional Use 19-24 Request for Denial

Dear Mr. Seth Thompson,

We very strongly and urgently request that CU-19-24 be denied.

The proposed **large** commercial industrial hemp processing factory proposed by Jupiter Pharma, Inc. on 37 acres of property currently owned by Ronald W. Bell (Deceased) and Rosemary G. Bell, at 8710 Parish Gap Rd SE, Turner OR 97392, in CU 19-24, is located directly across Parrish Gap Rd from our property, located at 8685 Parrish Gap Rd SE, Turner, OR.

Our home directly faces the proposed factory with our living room, 2 bedrooms, front door and garages only 138 feet from Parish Gap Rd, see figure 1. We would be subjected to ongoing large trucks, employee traffics, other traffic for office and other functions, noise pollution, light pollution, odor and particulate matter pollution, and water pollution from a large commercial industrial hemp processing factory directly across the street from our home. This large complex will definitely affect our lives, our health, and property value.

July 26, 2019



Figure 1 : Front distance to 8685 Parrish Gap Rd SE – 138 feet

Additionally our property line extends parallel to Parrish Gap Rd SE, for 675 feet, directly across the road from the proposed commercial factory, see figure2. This exposes our entire property and home to every activity, including truck traffic, noise and dust generated from this property 365 days a year. The entry way to the proposed factory would be directly across the street from our property, most likely in front of our gate; every time a large truck enters or leaves we would be exposed to the exhaust pollution and any odor and debris from any unsecured loads. Our compute would be totally controlled by the traffic moving in and out of the factory.

This property is now listed as the corporate headquarters of the Oregon based entity associated with this project, Jupiter Pharma, Inc. This proposal does not include any usage parameters for the rest of the buildings, the number of people working on site, the number of expected trucks entering or leaving, and most grievous any and all uses of the property that would happen outside of the processing.

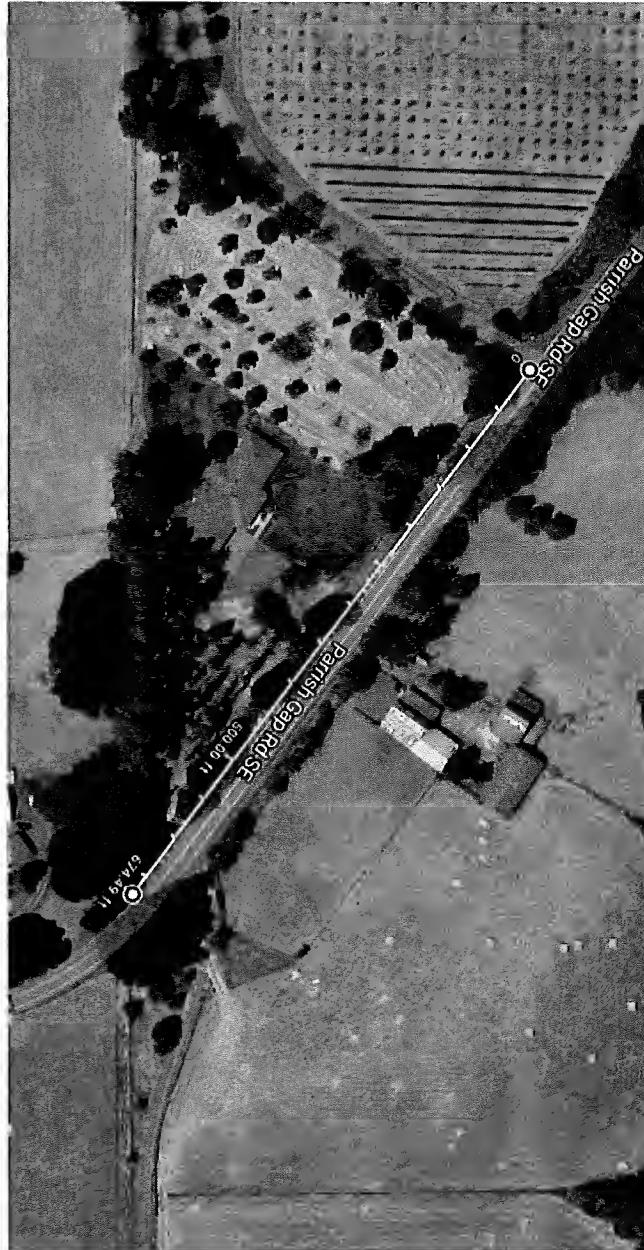


Figure 2: Property Line 8685 Parrish Gap Rd SE – 675 feet

The proposed commercial factory takes up most of the entirety of the property in question, the EFU zoning requirements state that 25% of the product being processed must come from onsite farming. Since there is no plan to farm the current property, this requirement cannot be met. In addition the proposal references three towns, Gervais (23 miles away), Woodburn (26.8 miles away) and St Paul (30.2 miles) via Interstate 5, as sources of product. We DO NOT consider these as "local" or as "benefiting local area farms" in any way.

The proposed hemp factory includes over 87,000 square feet of proposed building space of which only 12,000 square feet is used for processing. The other 65,000 square feet is over 5 times the space of processing facility. No building height restrictions or other use restrictions are proposed on all of this extra space.

We will be constantly and directly affected by this project 365 days a year and if built, our peaceful and tranquil home, local built in 2008 and we purchased in March, 2018, will no longer exist.

Our property contains 30+ fruit trees, consisting of apple, pear, plum and cherries, the direct effect on these trees from the factory will be very harmful.

We currently have a beautiful view of Mt Hood from our front room and when working in the yard, the unconstrained height, huge amount of building square feet and unknown occupations would change that view; **to a close up, unflattering of view of an industrial hemp factory.**

In conclusion we strongly request you recommend denying the application for the commercial industrial hemp processing factory in CU 19-24 across from our residence for the stated reasons in this letter.

Sincerely,

Robert Harrison

Zohreh Zarnegar

RECEIVED

JUL 28 2019

Marion County
Planning

To: Seth Thompson sithompson@co.marion.or.us
From: Aileen Kaye AAC#1
Date: July 28, 2019
Re: "No" on CU 19-24

I am writing as an AAC#1 **against** CU 19-24. The property in question is 37 acres of prime farm land on a two lane winding road without shoulders -- one mile north of Cloverdale School. It is one mile north of my property.

I want to preface my remarks with the following:
*Allowing this out of state drug conglomerate to misuse Oregon farmland would set a terrible precedent.

*I know Rosemary Bell who signed the CU permit application. She called me as she was upset after she realized what was really being applied for. She told me she had no idea what the buyer was going to do with this farmland—that it had not explained to her. She signed the real estate and CU permit papers without hiring an attorney and within 11 days of her husband's death. In my opinion, this might qualify as senior financial exploitation. Mrs. Bell did call Seth Thompson to tell him she wanted to withdraw the CU application. However, later that day she hired an attorney to review the real estate papers, etc. The attorney apparently advised her that withdrawing might bring a lawsuit from the drug company. Conclusion: The current property owner/cu applicant does not even want this CU approved.

1. This highly industrial use is totally incompatible with the farming and with the rural living nature of this area.
2. Parrish Gap Road is narrow and winding. There are numerous accidents on it every year. The proposed use would greatly increase truck traffic on this road.
3. School buses use this road as do farmers!
4. Cloverdale School is one mile from the proposed location.
5. The storage of hemp could lead to crime.
6. This site would most likely have flood lights on all night to discourage theft-- greatly disturbing humans, farm animals, and wild life in the area.
7. The value of the expensive homes in the area would be diminished due to the odor, the traffic, the noise, the ugliness of the industrial buildings.
8. Fire trucks and ambulances could be delayed in response time.

9. Particulate matter would float onto the farms on each side of this property thus harming the livelihoods of the nearby dairy and hay/seed growers. An organic farm is just to the north of Cloverdale School.
10. One of the buildings exceeds the limit of 10,000 square feet.
11. This industrial use will permanently destroy the 37 acres of prime farmland that is there now. This type of operation should be somewhere like Mill Creek Industrial Park.
12. Hemp can attract non-native insects to our area.

I would like to receive a copy of the staff decision and notice of any public hearings in this case. (I did call Seth a few times a greatly appreciate his professionalism and patience!)

Aileen Kaye, 10095 Parrish Gap Rd., SE; Turner, OR 97392
phone=503-743-4567
cell=503-910-7917

RECEIVED Page 1 of 1
JUL 28 2019

Marion County
Planning

Seth Thompson - Conditional use 19-024

From: Christal Unger <christalunger83@gmail.com>
To: "slthompson@co.marion.or.us" <slthompson@co.marion.or.us>
Date: 7/28/2019 4:12 PM
Subject: Conditional use 19-024

I am emailing you to say I am against this. I recently moved out to turner these lands are for farming only! When I found out the Bells place was going to turn into a plant with big buildings I was floored! That is for farming only not a place to put a hemp processing plant. Besides my husband and I living out there his families property is connected to the bells property by letting this happen the run off will affect their soon to be organic farm. This will jeopardize them 100%.

Thank you for reading by concerns. My husband and I will be at the hearing in August.

Thank you,

Matt and Christal Unger

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If you need to receive one of these attachments contact Marion County IT for assistance.

MARION COUNTY PLANNING DIVISION RECEIVED

REQUEST FOR COMMENTS

JUL 28 2019

CASE: Conditional Use 19-024
Marion County Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392
Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

The Planning Division is soliciting comments you may wish to have considered in the County's review of the above described land use case. A map of the subject property is attached.

Comments must be submitted in writing and received in our office by **5:00 on July 29, 2019**. If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:

Seth Thompson
E-Mail: slthompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our comments are:

The property is zoned agriculture & this business is industrial. Parish Gap is a narrow & winding road (too dangerous for large vehicles to be coming and going), too close to schools, lowers neighbor's property value, creates too many odors, possible contamination to nearby residents and crops.

Name: Paul & Tina Zweigart
Agency: _____
Phone: 503-510-6994
Address: 9235 Parrish Gap Rd, PO Box 591, Turner, OR 97392
Date: July 27, 2019

RECEIVED

JUL 28 2019

Seth Thompson - Comments Re: Jupiter Pharma Conditional Use 19-024 Marion County
Planning

From: Heather Benjamin <hnb7717@gmail.com>
To: <slthompson@co.marion.or.us>
Date: 7/28/2019 2:49 PM
Subject: Comments Re: Jupiter Pharma Conditional Use 19-024
Attachments: Jupiter Pharma Denial Request.pdf

Seth,

Attached are comments from my husband and myself regarding the application of Jupiter Pharma to use property at 8710 Parrish Gap Rd SE for a hemp processing facility. Thank you for your time in considering our concerns.

Heather & Logan Benjamin

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MARION COUNTY PLANNING DIVISION **RECEIVED**
REQUEST FOR COMMENTS **JUL 28 2019**

DATE: July 17, 2019
CASE: Conditional Use 19-024

Marion County
Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EEU (Exclusive Farm Use) zone located at 8710 Parish Gap Road SE, Salem (T8S; R2W; (Section 3; tax lot 900) and (Section 31UCB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

The Planning Division is soliciting comments you may wish to have considered in the County's review of the above described land use case. A map of the subject property is attached.

Comments must be submitted in writing and received in our office by 5:00 on July 29, 2019. If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:

Seth Thompson
E-Mail: s.thompson@marioncountyo.org
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our comments are:

Name: Ronald & Rosemary Bell
Agency: _____
Phone: 406-542-2813 503-385-5722
Address: 8710 Parish Gap Rd SE
Date: 7-18-19

RECEIVED

JUL 28 2019 Logan & Heather Benjamin
Marion County 7885 Parrish Gap Rd SE
Planning Turner, OR 97392
503-385-5727

7/28/19

re: Case: Conditional Use 19-024

Dear Seth Thompson,

We are writing to express our concern and request that the proposal by Jupiter Pharma, Inc to establish a hemp processing plant at 8710 Parrish Gap Rd SE be denied. Our concerns are as follows:

- The plant will bring an increase in traffic and thus road and vehicle noise passing our home on a daily basis.
- Semi-trucks frequently stall and block traffic at the corner of Parrish Gap and Delaney Rd due to the more than 90* turn. It is not a safe intersection for semi trucks to be frequently traveling.
- We could see the plant from our property which will diminish the beautiful view we enjoy.
- We feel having a plant so close will affect our home and property value as people are drawn to country living to get away from industry, not to see it from their front yard.
- We have read that the smell produced by hemp processing plants is not pleasant and sometimes causes people to feel ill and get headaches. This is not something we want to deal with on a daily basis.
- The plant will likely produce a lot of undesirable noise as well.
- We are also concerned about the proximity to an elementary school where our children attend along with many others who could be adversely affected.
- It is our understanding that the current electrical and fire suppression infrastructure in our area is not adequate enough to support such a large facility.
- The plant will also likely be a burden on our local water supply.

We strongly urge you to deny the request of Jupiter Pharma.

Thank you for your time and consideration of our concerns.

Sincerely,
Logan and Heather Benjamin

Seth Thompson - Re: Comments Re: Jupiter Pharma Conditional Use 19-024

RECEIVED

From: Heather Benjamin <hnb7717@gmail.com>
To: Seth Thompson <SLThompson@co.marion.or.us>
Date: 7/29/2019 9:48 AM
Subject: Re: Comments Re: Jupiter Pharma Conditional Use 19-024
Attachments: 45581771_10156586630970049_2922169699498196992_o.jpg

Thank you, Seth. I know a lot of our neighbors are concerned and I hope they have expressed their concerns to you as well. We've had 3 of them who we'd never met before stop at our house within the last week to make sure we were aware of this. I don't know if it would help, but here is a photo of the amazing view from our front porch. Our calculations are telling us, we'd be able to see the processing facility through the break in those trees on the right side.

On Mon, Jul 29, 2019 at 8:49 AM Seth Thompson <SL.Thompson@co.marion.or.us> wrote:

Mrs. Benjamin,

Thank you for your comment and I understand your concern.

I have included this comment in the file for Conditional Use Case No. 19-024.

Your concerns will be addressed by all associated departments with Marion County.

I assure you that Marion County Planning is considering this case very seriously.

The hearings officer making the decision for this case will be provided all comments from associated departments and public.

This process ensures the most accurate assessment of the application to ensure a fair decision.

Please let me know if you have additional questions.

Thank you,

Seth Thompson
Marion County Public Works
Associate Planner
503-566-4165
SLThompson@co.marion.or.us

>>> Heather Benjamin <hnb7717@gmail.com> 7/28/2019 2:48 PM >>>
Seth,

Attached are comments from my husband and myself regarding the application of Jupiter Pharma to use property at 8710 Parrish Gap Rd SE for a hemp processing facility. Thank you for your time in considering our concerns.

Heather & Logan Benjamin



Seth Thompson - "No" on CU Permit Application CU 19-024 (Bell)

RECEIVED

From: CenturyLink Customer <deluxer1234@q.com>
To: <slthompson@co.marion.or.us>
Date: 7/29/2019 12:03 AM
Subject: "No" on CU Permit Application CU 19-024 (Bell)
Cc: <kllaux.0614@gmail.com>

JUL 29 2019

Marion Co.
Planning

David & Kathy Laux
8525 Parrish Gap Rd. SE
Turner, OR 97392

We live at the corner of Parrish Gap Rd. and Roaming Horse Lane which is less than a mile from the proposed hemp processing facility site. In the past 19 years that we have lived on Parrish Gap Rd. we have had numerous wrecks resulting in damage to our property do to speed and heavy traffic.

Approving the proposed application would increase not only the vehicle traffic but also truck and semi traffic as well both day and night. Parrish Gap Rd. is a narrow and winding road, the section in front of our house has no gravel shoulder and poses as a very high risk for a wreck if a vehicle or truck goes over the white road line into the ditch. Cloverdale school is also only 1 mile away from the proposed site with buses traveling on Parrish Gap Rd through out the day during the school year.

We are very opposed to this proposal, EFU Zoned farmland on Parrish Gap Rd. is no place for an industrial processing facility.

David & Kathy Laux

This message has been scanned for virus content by Symantec Anti-Virus, and is believed to be clean.
Viruses are often contained in attachments -
Email with specific attachment types are automatically deleted.
If you need to receive one of these attachments contact Marion County IT for assistance.

RECEIVED 1 of 2
JUL 29 2019

Seth Thompson - "NO" on CU Permit application CU 19-024

From: "Pam Unger" <mpunger@q.com>
To: <slthompson@co.marion.or.us>
Date: 7/29/2019 1:22 AM
Subject: "NO" on CU Permit application CU 19-024

We Urge & Request A Denial On The Conditional Use Permit CU 19-024 For A Hemp Processing Facility On EFU Farmland At 8710 Parrish Gap RD SE Turner, OR 97392

This proposed site has been a farm with a cattle/hay operation for many years with the same cattle/hay operations going on adjacent to each side of proposed site off Parrish Gap Rd.

We are a community of families & families with young children. Many of us in this area have been here generations. We are the 5th generation on our area of Parrish Gap Rd. The Unger's, Laux's, & Parker's are all related and have been here since the 1800's. We live & love the rural atmosphere and don't want to see EFU farmland become an Industrial/Commercial area. With what Jupiter Pharma, Inc. is proposing to do to the property, the proposed site would never be a rural farm property again. There are Industrial areas made for this purpose in rural areas where this facility could be built with safer roads made for traffic, safety, and ease to I-5 off I-5 & Kuebler/Cordon Rd. Fairview Industrial Park & Mill Creek Industrial Park to name two.

Parrish Gap Rd is a narrow dangerous country road not accommodating for large trucks going in & out of Parrish Gap. We have a dangerous curve at Roaming Horse LN and Parrish Gap. Vehicles drive too fast, lose control, over correct causing many accidents. Our families have had to repair and replace cyclone fencing, fencing for cows, driveway approach's, broken culverts, and one time a car going thru a fence and a barn. There are many accidents not recorded because no one was home to get information and people leave the scene of the accident.

The proposed site is one mile from our country school Cloverdale Elementary. We have school buses on Parrish Gap morning and afternoon along with parents taking their children to & from school. The proposed site has parking for 20 semi trucks and a motor pool building. School buses and large trucks do not sound very safe for children in our area.

Pastures and hay fields including proposed site can flood in the winter & water runs across pastures & hayfields including proposed site. Will proposed site bring toxic waste water across hayfields & pasture.

Can Turner Fire Department handle a major fire at proposed site, Sounds like there will be chemicals in this processing facility. Major fire could destroy nearby buildings, pastures, hayfields, wheat & grass seed fields, and fences. Could be devastating to neighbors.

This is a ground water limited area, no irrigation on proposed site. How much water does a Hemp Processing Facility need, and will our water tables lower.

We are concerned about electricity & power to the properties on Parrish Gap Rd. The electricity comes from Portland General Electric's (PGE) Barnes Sub Station on the corner of Commercial ST & Barnes Rd Salem, OR. Parrish Gap Rd is the end of a line of energy from Barnes Sub Station. More than likely there won't be enough energy to feed all of us on Parrish Gap and the Hemp Processing Facility. PGE would more than likely have to upgrade the power structure causing customer inconvenience, more construction, traffic, & noise on a dangerous road.

We have had an increase in crime in our area and feel this facility would bring even more.

RECEIVED

Page 2 of 2

JUL 29 2019

Marion County

We feel this would decrease property values in the area due to increased traffic, noise, and the ugliness of an Industrial/Commercial Facility in an Exclusive Farm Use Rural Area.

The proposed location is totally inappropriate for this use. We urge that the request be denied and that the company/persons applying be urged to find a reasonable industrially zoned property for this use.

Mike & Pamela Unger
8585 Parrish Gap Rd SE Turner, OR 97392/P O Box 491 Turner, OR 97392
mpunger@q.com
503-371-6744

This message has been scanned for virus content by Symantec Anti-Virus, and is believed to be clean.
Viruses are often contained in attachments - Email with specific attachment types are automatically deleted.
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RECEIVED

MARION COUNTY PLANNING DIVISION

JUL 29 2019

REQUEST FOR COMMENTS

Marion County
Planning

DATE: July 17, 2019

CASE: Conditional Use 19-024

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parrish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

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Comments must be submitted in writing and received in our office by 5:00 on July 29, 2019.
If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:

Seth Thompson
E-Mail: slthompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- Our comments are: *Over 30 years, after a lengthy decline in health, Mr. Bell recently passed away. During this strenuous period of his decline, Mrs. Bell was trying to address negotiations with the applicants regarding his property. Mr. Bell now has serious assets about which she has entered into. She feels she was騙ed in the magnitude of the project was misrepresented.*
- Our comments are in the attached letter.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.

Agent:Address: 9015 Parrish Gap Rd. SE, Turner, OR 97392

Phone: 503.743.2205

Address: Mailing Address: P.O. Box 512, Turner, OR 97392

Date: July 29, 2019

To her.

RECEIVED

MARION COUNTY PLANNING DIVISION

REQUEST FOR COMMENTS

JUL 29 2019

DATE: July 17, 2019
CASE: Conditional Use 19-024

Marion County
Planning

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8710 Parish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

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Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

We have reviewed the proposal and determined that we have no comment.

We would like to receive a copy of the staff decision and notice of any public hearings in this case.

Our comments are in the attached letter.

Our comments are: Please don't let this happen!

Congestion, Ground Contamination, Health Conditions, Devaluation of Property, Children Safety or Children at bus stop, pedestrians.

Name:

JOSHUA, Amy Martin

Agency:

503 851-7079

Phone: 7794 Shady Way SE

Address:

Date: 7-18-2019

MARION COUNTY PLANNING DIVISION

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REQUEST FOR COMMENTS

JUL 29 2019

DATE: July 17, 2019
CASE: Conditional Use 19-024

Marion County
Planning

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8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safley
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Portland OR 97204

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Seth Thompson
E-Mail: sthompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter. I also emailed the attached letter this morning but wanted to make sure it was received.
- Our comments are:
- Name: Kenneth & Sandra Allen
Agency: _____
Phone: 503-743-3546
Address: 4434 Ridgeway Dr. SE, Turner
Date: 7-29-19

RECEIVED

JUL 29 2019

Marion County
Planning

From: kdsgalen
Sent: Monday, July 29, 2019 9:50 AM
To: slthompson@co.marion.or.us
Subject: CASE: CONTITIONAL USE 19-024, 8710 PARRISH GAP RD SE, TURNER, OR, RONALD & ROSEMARY BELL

Dear Mr. Thompson:

We are writing to let you know our comments regarding this "conditional use permit to establish a hemp processing facility as a commercial activity in conjunction with farm use" on the two parcels owned by Ronald and Rosemary Bell.

We, as community members, highly recommend this not being approved because of the following concerns:

1. Safety of our children and all pedestrians in this area. School buses will be picking up and dropping off children. The roads are narrow and many sharp corners. Children and vehicles will not be able to see around a large semi.
2. We have many, on a daily basis, bicycle riders and walkers on the road. As it is, the shoulder of Parrish Gap is very narrow, which will not accommodate a semi and a bicycle or a pedestrian. Very dangerous.
3. Congestion on Parrish Gap Rd, not only at the site of the facility, but each direction of Parrish Gap Rd.
4. Safety of vehicles and semis pulling out of Parrish Gap Rd onto Delaney Rd and pulling onto Parrish Gap Rd from Delaney Rd. We've had many accidents at this intersection because of the speed of traffic and limited sight coming east on Delaney Rd.
5. This is a farming community, not a commercial business community.
6. Ground contamination into our water sources. We're not sure if this would happen or not, but if it were to happen, the county needs to realize that this community are all on wells and the aquifers under this area feeds residents, farm animals and crops. We don't want our wells contaminated.

I realize this zoning change would bring more tax dollars to the county and state, but when lives are at risk, that is what should be taken into account. We hope our comments will be taken under consideration in this decision. Thank you for your time.

KD^gA
S.G.A
Kenneth D. and Sandra G. Allen
4434 Ridgeway Dr SE
Turner, OR 97392
503-743-3540

Sent from Mail for Windows 10

RECEIVED

MARION COUNTY PLANNING DIVISION

REQUEST FOR COMMENTS

JUL 29 2019

Marion County
Planning

DATE: July 17, 2019

CASE: Conditional Use 19-024

REQUEST: Application of Jupiter Phattna, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parrish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SB
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

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Seth Thompson
E-Mail: slthompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

We have reviewed the proposal and determined that we have no comment.

We would like to receive a copy of the staff decision and notice of any public hearings in this case.

Our comments are in the attached letter.

Our comments are:
This is a farming community. The roads are very curvy & narrow with very little shoulder, making truck traffic dangerous for buses picking up & dropping off children, pedestrians, walking & (next page)

Agency: _____
Phone: 503-382-4752
Address: 132 SO Patrick Ln. SE, Turner, OR
Date: 7-29-19

bicycle riders. The intersection of Delaney Rd & Parish Gap Rd. has many accidents occur due to very limited sight + speed.

MARION COUNTY PLANNING DIVISION

RECEIVED

REQUEST FOR COMMENTS

JUL 29 2019

DATE: July 17, 2019
CASE: Conditional Use 19-024

Marion County
Planning

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APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

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E-Mail: slthompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

We have reviewed the proposal and determined that we have no comment.

We would like to receive a copy of the staff decision and notice of any public hearings in this case.

Our comments are in the attached letter.

Our comments are:
I am against this facility being located in this farmland/agriculture area. #1. The safety of the children, Buses, Pedestrians, Bicyclists, and Vehicles in general. #2. The roads- over
Name: Brent Allen

Agency: 503-881-0247
Phone: 9305 Parrish Gap Rd SE Turner, OR
Address: 7/29/19
Date:

are extremely narrow with not enough shoulder room as it is.

#3. More traffic equals more dangerous road conditions. We all depend on these Rural Roads, and I do not believe the roads are adequate to handle safely as they currently are.

#4. Water conditions. We are all on well water. The possibility of excess contamination is not going to be tolerated.

Please take all of our concerns into consideration. This facility should be in an Industrial Area and would thrive and provide good jobs.

Re-zoning farmland is not the answer.

Thank You

Brent Clegg

MARION COUNTY PLANNING DIVISION

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REQUEST FOR COMMENTS

JUL 29 2019

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Marion County
Planning

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APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safey
1211 SW 5th Ave, Ste 1900
Portland OR 97204

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Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

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- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.

Our comments are:

lots of empty buildings on industrial parkway sites. see our farm land.

Name: Dawn Fawger
Agency: _____
Phone: 503-689-6748
Address: 10100 Parrish Gap Rd SE Turner, OR
Date: July 28, 2019

MARION COUNTY PLANNING DIVISION

RECEIVED

REQUEST FOR COMMENTS

JUL 29 2019

DATE: July 17, 2019
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X Our comments are:

Increase Tax To Taxes as already done every year. Rural Roads should never be considered. Changing the zoning from Primarily Commercial Based Profit may open doors for all of the farm land to be taken up to taxes. It needs to be split to two parcels - Both are unaccesible

Name: Robert T. Petersen
Agency: _____
Phone: 503-747-3947
Address: 7020 2nd St SE Turner, OR
Date: 7-28-2019

MARION COUNTY PLANNING DIVISION RECEIVED

REQUEST FOR COMMENTS

JUL 29 2019

DATE: July 17, 2019
CASE: Conditional Use 19-024

Marion County
Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parrish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

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E-Mail: sithompson@comarion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

503 - 566 - 4116

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our comments are:

We have 1. Rules from proposed "Hemp Processing Facility" this could be "EFU." We are totally against changing this to "Commercial use" There is a lot of close by "commercial use" lots. We live here 45 years.

Name: Edwards & Marilyn Petersen
Agency: _____

Phone: 503-743-4313
Address: 12085 Parrish Gap Rd SE Salem OR 97392
Date: July 28, 2019

The road is narrow at this location, conditions will affect share of roads. It can often be unsafe for even local traffic of vehicles and bikes.

MARION COUNTY PLANNING DIVISION

RECEIVED

REQUEST FOR COMMENTS

JUL 29 2019

CASE: Conditional Use 19-024
 DATE: July 17, 2019
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 Turner OR 97392

Kenneth Safley
 1211 SW 5th Ave, Ste 1900
 Portland OR 97204

The Planning Division is soliciting comments you may wish to have considered in the County's review of the above described land use case. A map of the subject property is attached.

Comments must be submitted in writing and received in our office by 5:00 on July 29, 2019. If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:

Seft. Thompson
 E-Mail: sithompson@co.marion.or.us
 Phone: (503) 588-5038; Fax: (503) 588-3562
 Marion County Planning Division
 5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.

X Our comments are:
Other places to build within 30 m of this place
Do not build this at this location
Please keep me informed

Name: WJ:JF
 Agency: 503 539-3054
 Phone: 10100 Parish Gap Rd SE Turner OR 97392
 Address: July 28, 2019
 Date:

MARION COUNTY PLANNING DIVISION
REQUEST FOR COMMENTS

RECEIVED

DATE: July 17, 2019

CASE: Conditional Use 19-024

Marion County
Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S):

Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safley

1211 SW 5th Ave, Ste 1900
Portland OR 97204

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Send comments or questions to:

Seth Thompson

E-Mail: slthompson@co.marion.or.us

Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

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- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our comments are:

Name: Alan Peterson

Agency: _____

Phone: _____

Address: 9375 Parish Gap Rd.

Date: 7/26/19

RECEIVED

JUL 29 2019

Marion County
Planning

Jeff Thompson
Marion County Planning
Salem Oregon

Dear Sir -

There are two major concerns
with regards to proposed permit.
One, request for a conditional use
permit for 8710 Burnside Gap Rd.

First: In view of the parking
and truck loading facilities etc
The proposal, this will be a
substantial increased traffic
burden on an already over used
rural (Rural, F.R.) road.

Second: The issuance to permit
a commercial enterprise on land
Zoned C.T.U. is an affront to
the concept of land use planning.
Maybe proposed formula would
be better to look in on

Industrial Park.

Maybe Copper Mabil will
be encouraged to build an
ethanol plant next to a cornfield
(if this) proposal is allowed to
go through.

Sincerely,
Olan Jefferson
P.M.S. Parks Dept. S.E.
Tunica, Miss. 38672

MARION COUNTY PLANNING DIVISION **RECEIVED**

REQUEST FOR COMMENTS

JUL 29 2019

DATE: July 17, 2019
CASE: Conditional Use 19-024

Marion County
Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parish Gap Road SE, Salem (T8S, R2W, (Section 31, tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

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Seth Thompson
E-Mail: [s
Phone: \(503\) 588-5038; Fax: \(503\) 588-3562
Marion County Planning Division
5155 Silverton Rd NE, Salem OR 97305](mailto:s<thompson@co.marion.or.us)

PLEASE CHECK THE APPROPRIATE ITEMS:

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- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our comments are:
Please see separate letter attached to email

Name: Cecil & Linda Brackett
Agency: Co-owner of 8710 Parish Gap Rd SE
Phone: 541-868-4254
Address: 2725 Alyndale Dr Eugene OR 97404
Date: 7/28/19

RECEIVED Cecil and Linda Brackett
2725 Alyndale Drive
Eugene, OR 97404

JUL 29 2019
Marion County
Planning
July 28, 2019

RE: Jupiter Pharma, Inc.

Dear Mr. Thompson,

We are the co-owners of 7885 Parrish Gap RD SE, and we were distressed to learn about the hemp processing facility that is proposed for 8710 Parrish Gap Rd SE. This processing facility would be less than a mile from our property. Our concerns are many:

- The noxious odors from hemp processing have been known to cause physical ailments like headaches and nausea.
- The plant will affect the view from our property and will most likely decrease the value of our property.
- There are many safety concerns regarding the semi-trucks that will need to make the sharp turn going to and from Delaney on Parrish Gap. This is a difficult turn where semis often must stop and back up blocking traffic while trying to navigate the turn.
- Cloverdale Elementary school is just up the road on Parrish Gap so we are very concerned for the safety and health of our grandchildren who attend there.
- The noise and amount of traffic will increase dramatically as workers and semis go to and from the plant.
- We would also question whether the local infrastructure of water, electric, and fire protection are adequate.

Thank you for your consideration of our concerns.

Sincerely,


Linda S. Brackett
Cecil Brackett
Linda Brackett

MARION COUNTY PLANNING DIVISION

RECEIVED

REQUEST FOR COMMENTS

JUL 29 2019

DATE: July 17, 2019
CASE: Conditional Use 19-024

Marion County
Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parrish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave. Ste 1900
Portland OR 97204

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Send comments or questions to:

Seth Thompson
E-Mail: slthompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
 We would like to receive a copy of the staff decision and notice of any public hearings in this case.
 Our comments are in the attached letter.

X Our comments are:
I have lived in this area since '74' There is no shoulder on roads. They can't handle the traffic now from new development as this.

Name: Seth N Peterson
Agency: 503-743-2381
Phone: 9805 Parrish Gap Rd SE Salem
Address: 7-28-19
Date:

Seth Thompson - Comment Letter for the Record in Case No. CUP 19-024

RECEIVED

From: Wallace Lien <WLien@lienlaw.com>
To: Seth Thompson <SLThompson@co.marion.or.us>
Date: 7/29/2019 1:45 PM
Subject: Comment Letter for the Record in Case No. CUP 19-024
Cc: Wallace Lien <WLien@lienlaw.com>
Attachments: Comment Letter to County - Final.pdf; Exh A - Map 082W31CB.pdf; Exh B - Map 082W31.pdf; Exh C - sgomap.pdf; Exh D - Aerial of Surrounding Area.jpg; Exh E - Aerial of Subject Property.jpg

Mr. Thompson

Please enter the attached material in the Record of CUP Case No. 19-024. Also please send me an email to ensure you received the letter and attachments.

Thanks for your consideration.

Wallace W. Lien

Wallace W. Lien, P.C.

wallace.lien@lienlaw.com

Virtual Office Directory:

P.O. Box 5730

Salem, OR 97304

phone: [503-585-0105](tel:503-585-0105)

<http://www.lienlaw.com>

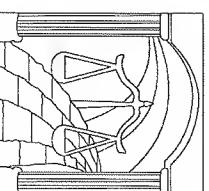
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Viruses are often contained in attachments - Email with specific attachment types are automatically deleted.
If you need to receive one of these attachments contact Marion County IT for assistance.

RECEIVED

WALLACE W. LIEN
A PROFESSIONAL CORPORATION



Wallace W. Lien

Attorney at Law
wallace.lien@lienlaw.com

July 29, 2019

Contact by e-mail at
wallace.lien@lienlaw.com

Marion County
Planning

Mr. Seth Thompson
Marion County Planning
5155 Silverton Rd NE
Salem, OR 97305

By Email to: sithompson@co.marion.or.us

Re: Letter of Opposition - Conditional Use Case No. 19-024

Dear Mr. Thompson:

Please be advised that I have been retained by Dr. and Mrs. D. Craig Anderson, who are neighbors to the subject property, to oppose the above referenced application. This letter is intended to be a part of the land use Record in this case. Please acknowledge your receipt of this letter.

My clients own property and live at 9015 Parish Gap Rd SE, Turner, OR, and are just to the south of the proposed industrial hemp processing plant. They assert the proposed industrial factory is out of place for this neighborhood, will create tremendous traffic problems on Parish Gap Road, especially at the Delaney intersection, and will adversely impact the farming and livability of the area. They join with all the other neighbors, and the Turner Fire District who have submitted concerned testimony, and agree with and adopt all of the facts and arguments presented by those folks. This letter is intended to provide the Anderson's own personal opposition to this project from a legal standpoint.

1. Flaws in the Hearing Notice

It is our position the list of decision criteria is incomplete. To begin with the subject property is in Sensitive Ground Water Area 5, and none of the provisions for protection and evaluation of projects in that area are listed as decision criteria. In addition, Marion County Rural Zone Code (MCRZC) 17.110.830 specifically requires:

The impact of proposed land uses on water resources shall be evaluated and potential adverse impacts on the water resources shall be minimized.

Where evidence indicates groundwater limitations and the development will use groundwater as a water supply, the developer shall demonstrate that adequate water can be provided without adversely affecting the groundwater resource.



In this case the proposal will involve the use of a great amount of water to operate the equipment, for use in restrooms, fire suppression, etc. Given that a large volume of water will be used, and the fact the proposed site is in SGO-5, mean at a minimum the applicant has to provide substantial evidence that its use of water will not adversely impact the water supply in the area. Evidence by way of the County wide groundwater study that resulted in the creation and implementation of SGO-5 clearly triggers the need for the applicant to demonstrate that adequate water is available. As will be discussed in more detail below, the applicant has provided no evidence on how water will be obtained, in what quantities, or how its use of water will impact the fragile aquifer in this SGO-5 area.

In addition, it is our position that a generalized reference to MCRZC Chapter 17.119 is not sufficient. Section 17.119.110 requires the application to comply with the Marion County Comprehensive Plan:

The director shall decide whether to approve or deny the conditional use based on the Marion County Comprehensive Plan and applicable criteria in this title.

By this specific code provision, the entirety of the Marion County Comprehensive Plan becomes a decision criteria, yet that document is not listed as such in the Notice. At a minimum, the relevant portions of the Plan should be identified and separately listed.

Finally, there have been comments by Turner Fire District, and they have asked to be an ongoing participant in this process. Goal 2 requires Marion County coordinate its decision making process with Turner Fire District, therefore Goal 2 should be listed as a decision criteria.

Because of the flaw in the Notice of Public Hearing, on behalf of my clients, I do hereby request the hearing be continued. A new Notice should be issued, and the upcoming hearing reconvened for the taking of additional testimony. With the flawed Notice, having only an open record period prevents interested parties from speaking to you directly, which is why reconvening the hearing itself is critical.

2. Flaws in the Application

The application filed in this case is flawed and insufficient to authorize the county to proceed with consideration of this proposal. MCRZC 119.020(A) requires an application for a conditional use to be signed by the owner of the subject property. MCRZC 119.025 demands that all property owners sign the application. In this case, as is explained below, the applicant/property owner is not entitled to rely on Prima Facie Proof of Ownership.

The property owner of the proposed site is listed in the application as the Ron and Rosemary Bell Trust dated February 9. The applicant is listed as Jupiter Pharma, Inc., which is represented in the proceedings by Mr. Kenneth Safley. The property owner is not represented on the face of the application by an attorney, as Mr. Safley specifically states that he represents only Jupiter Pharma, Inc.

The application is not signed by Mr. Safley on behalf of Jupiter Pharma, Inc., and no other representative of Jupiter Pharma, Inc. has signed the application. Failure of the applicant to sign the application is a fatal flaw, which deprives the county of jurisdiction to proceed in consideration of



the request. Having the applicant sign is a critical part of the application process, as it is what the county relies on for applicant certification that A) it (meaning Jupiter Pharma, Inc., not Ms. Bell) will follow all the conditions and restrictions of any approval that might be granted; and B) that all the material submitted is true and accurate and that the county may rely on the accuracy of that information (again this has to be a reference to Jupiter Pharma, Inc. as Ms. Bell has no idea about hemp processing); and C) granting of permission to gather information, do inspections and whatever else might be deemed necessary by the county; and D) that they (Jupiter Pharma, Inc.) have read the application, and understand the criteria and requirements to be used in the decision making process of this case.

Further lacking in this case is evidence of the relationship between Jupiter Pharma, Inc. and the Bell Trust. There is no mention or presentation of any evidence of any relationship between this applicant and the property owner. Is this to be a sale? If so the sales documents to prove that relationship must be submitted to this Record to establish the legitimacy of the applicant here. Is this a lease? Again, the lease document must be submitted to prove the relationship. Is there some other secret relationship involved? If so that must be divulged. Without some proof in this Record as to the relationship of Jupiter Pharma, Inc. with the owner to actually implement the proposal, this application cannot be processed further. Certainly, Ms. Bell is not going to construct and operate this industrial hemp processing plant herself. It behoves the county to be diligent in its review of who is behind such a massive proposal, and conduct appropriate due diligence in the processing of this application.

There is also a fatal flaw in this application in the signing process by the property owner. As noted, the property owner is a Trust. A Trust in Oregon is a separate independent legal entity that is governed by its own trust documents. In this case there is no evidence in this Record of who has the legal authority to sign on behalf of the property owner Trust.

The face of the application notes that the Trust is represented by Ronald W. Bell and Rosemary G. Bell as Trustees, however there is no evidence to support this allegation. There are no Trust documents in this Record. Even though the application states there are two Trustees, only Rosemary Bell was able to sign the application. There is no evidence to support her being able to sign the application by herself, without Mr. Bell.

This is especially troublesome since Mr. Bell has recently passed away. If the Trust requires two signatures, then no authority to proceed is granted to the county by the single signature of Ms. Bell. If there is some Trust document that authorizes a single signature, or appoints Ms. Bell to succeed Mr. Bell as sole Trustee, such is not in this Record, and the application can not be further processed.

Complicating the Trust authority to move forward with this application is whether or not making application for a land use change such as this is an authorized and lawful activity of the Trust. Even if it can be determined by the submission of Trust documents that Ms. Bell has the authority to act individually as Trustee for the Trust to sign this application, there must be evidence submitted that the Trust itself has the authority to make a land use application on Trust property that will dramatically impact the landscape of that asset.

Without proper authorization and signatures, this application must be summarily dismissed until such time as a legal application can be filed.

3. Non-Compliance with General Conditional Use Criteria

This is an application for a conditional use to allow an alleged commercial activity in conjunction with a farm use in the EFU zone. As noted in the Notice of Public Hearing, MCRZC Chapter 119 contains decision criteria that must be satisfied by the proponent.

MCRZC 17.119.030 provides that a conditional use may only be considered if the proposed use is actually listed as such in the code. Following up with that concept, MCRZC 17.119.070 mandates that the county may only grant approvals of a conditional if it is determined that the county has the power and authority (ie jurisdiction) to do so. Therefore, if a proposed use is not included in the list of conditional uses in the underlying zone, the county lacks jurisdiction to grant the conditional use approval, and the application must be dismissed.

In this case, the proposed use is the processing of a farm crop. This specific use is listed and governed by MCRZC 17.136.040(F). Where hemp is understood to be a farm crop, then the processing of it has to fall under the processing of farm crop conditional use.

Here, the application is for a commercial activity in conjunction with a farm use under MCRZC 17.136.050(D)(2). Since the processing of a farm crop is specifically covered under MCRZC 17.136.040(F), it can not also then be considered under MCRZC 17.136.050(D)(2). A single use can not have two separate provisions for consideration. Here the specific provisions in MCRZC 17.136.040(F) control over the general provisions of MCRZC 17.136.050(D)(2).

Because the processing of a farm crop is not listed as a commercial activity in conjunction with a farm use, but is classified in another section of the code, the county has no power or authority to grant a conditional use for this use under MCRZC 17.136.050(D)(2).

This huge complex of buildings and machinery and trucking docks are industrial in use and scope, and can not be considered or interpreted to be a “commercial activity in conjunction with a farm use” as is required by MCRZC 17.136.050(D)(2). Once it is determined the proposal does not qualify under MCRZC 17.136.050(D)(2) as a conditional use, the county then loses jurisdiction to consider the application under MCRZC 17.119.030 and 17.119.070, and it must be summarily dismissed.

This proposal does not involve a commercial activity in conjunction with farm use. It is an industrial complex intended to serve the entire state to process hemp and distributes to who knows where. The application is unclear as to the nature of who is to be served by this plant. In some parts of the application it is said the plant will serve farmers in Gervais, Woodburn and St. Paul, while in another part it admits it will provide drying services to hemp farmers across the entire state of Oregon.

Regardless of the inconsistencies in the application, the size and scope of the operation alone discredit it from being one that only serves the northern area of Marion County. This plant is going to be a state-wide, if not a multi-state regional, processing facility base on its size alone.

It is difficult to believe that farmers in the northern area of Marion County need to transport their hemp to Turner for processing. On May 30, 2019, Marion County approved a small, 10 acre hemp processing plant on Marsh Road NE, Woodburn, OR, in Case No. 19-018. Surely, northern

Marion County growers will use that facility rather than expending the money to transport it the nearly 30 miles each way. There is no need for this huge plant to serve that area, which also leads one to the conclusion that this proposal is intended, and will, serve a much larger area than Marion County.

This proposal is not a commercial activity. It is an industrial activity that belongs in an industrial zone. The fact that it has no crop production, and intends to use the entire 30+ acre site for processing, drying, storage, packaging and transporting, is indicative of the fact that it is not in conjunction with any farm use. It is singularly an industrial operation.

Of course, it is understood why this application is not being requested under MCRZC 17.136.040(F) because the size and scope of the proposal does not comply with the requirements of that code section. The applicant can not comply with the requirements for processing of a farm crop because, 1) there will be no hemp grown on the property; and 2) the buildings far exceed the 10,000 sq ft. maximum size allowed.

The proposal can not comply with the appropriate conditional use, so the applicant has chosen to attempt an endrun and try to classify this use as a commercial activity in conjunction with a farm use instead of a facility for the processing of the farm crop hemp. This tactic can not be justified, and must be denied.

Since there is no question that what is proposed here is a processing facility for the farm crop hemp, by definition in the code, the only way to accomplish an approval is through MCRZC 17.136.040(F). To further drive this point home, MCRZC 17.136.050(D)(2) specifically references crop processing, and indicates that this section may be used for crop processing only when the processing facility is turning the crop into a biofuel. Since it is clear the end result of this processing is not a biofuel, MCRZC 17.136.050(D)(2) may not be used to justify this application.

Where there is a specific use listed in the zone code that applies to a use, the applicant has to use that code provision, and can not attempt to use a generic code provision to skirt the mandates of the crop processing code.

In addition to the jurisdictional requirements of MCRZC Chapter 119, before approving any conditional use, the county must make a finding that the proposal will be in harmony with the purpose and intent of the EFU zone. MCRZC 17.119.070(B).

The purpose of the EFU (exclusive farm use) zone is set forth in MCRZC 17.136.010 to provide areas for continued practice of commercial agriculture. The intent of the zone is to encourage large-scale farm operations. Restrictions are placed on uses to ensure compatibility and avoid adverse impacts. Uses allowed must be compatible with agricultural activities and protect the air, water and land use resources of the county. Large scale industrial plants are not in harmony with the purposes of the EFU zone.

There is nothing about this large scale industrial complex that promotes the agriculture, or large scale farms, and certainly the scope of this facility is out of place in the pastoral fields along Parrish Gap Road. Finally, there is nothing compatible between what is proposed here and the farming that goes on in that area, and there simply is not enough evidence to demonstrate that this industrial use will not adversely impact the water availability in the SGO-5 area.

As will be further discussed below in relationship to the other approval criteria, this proposal will not be in harmony with the purpose and intent of the EFU zone, and therefore it can not comply with MCRZC 17.119.070(B), and must be denied.

A question is posed to staff, that is requested to be addressed in the Staff Report in this matter. As a matter of course, a standard EFU conditional use request is handled by staff, with the Planning Director making the initial decision, as was done in Case No. 19-018. In this case however, staff has elected not to follow the normal course, and without comment or inclusion of any reasoning in the Record, has forwarded this application directly to the hearings officer to make the initial decision. Why this occurred is important, and the reasoning for the decision should be put on the Record.

4. Non-Compliance with EFU Specific Conditional Use Criteria

Even if all the technical issues with this application were resolved, the proposal still can not comply with the mandatory approval criteria in MCRZC 17.136.060(A) or (D). It is important to keep in mind that an applicant for a conditional use must provide substantial evidence of compliance with each and every approval criteria. Failure to comply with any one provision must result in a denial of the application.

MCRZC 17.136.060(A) contains a series of five criteria that must be completely satisfied, four of which are relevant here. The first criteria in relevant part is that:

The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use.

What is proposed here is a massive industrial complex that occupies over 2 acres of structures. The site is located at a bend in Parrish Gap Road that limits sight distance. Instead of improving the access and relocating it to a position with clear sight distance, the proposed site plan show this complex using the existing access. Traffic issues abound along Parrish Gap Road due to its terrain, narrow pavement and windy nature. The primary intersection is at Delaney, which is itself a troubled location with an incline and non-perpendicular alignment. While the applicant has provided no transportation information whatsoever, given the purported statewide processing that will take place, the primary truck route will be from Parrish Gap to Delaney to I-5. Again no information is given on the number of trucks or vehicular trips that are anticipated, but with 63 car parking spaces, 20 truck parking spaces and 12 more spaces for trucks to be parked while being loaded or unloaded, it is clear there will be significant traffic being generated from this plant. More than Parrish Gap Road can handle.

The massive influx of car and truck traffic onto Delaney and Parrish Gap Roads are going to have a significant adverse impact on farm implements and vehicles that currently use these roads to further their agricultural endeavors. Attached hereto as Exhibits D and E are aerial photographs of the surrounding area and of the site itself. From these photographs, it is clear that the subject property lies in the center of several hundred acres of actively farmed ground. In addition there are several dairy farms in the vicinity, the largest of which is Platts-Turner Dairy that is located just to the southeast on Hemmies Road. In addition, there are dairy operations by Marshall and Nancy Christiansen, and Cascade Farms within two miles of the subject property, all of which use Parrish Gap Road as their primary transportation route to Delaney and then on to I-5.

The traffic congestion and danger caused by the huge amount of new traffic will cause area farmers to find alternative routes, such as going to Turner then to Cordon Road to I-5, which is much longer and more expensive in fuel and wear and tear on equipment, not to mention degradation of the products being hauled.

This proposal will force area farmers to change their currently accepted farming practices, most dramatic in transportation, and the route change additional expense will be quite large. As such, based on transportation issues alone, this proposal can not comply with the first criteria.

The second criteria in the EFU zone is that the applicant must demonstrate that adequate fire protection and other rural services are, or will be, available when the use is established.

The site is served by the Turner Fire District. That entity has already submitted comments that it is concerned about fire access and having an adequate supply of water to fight any fire that might break out. Additional concerns are raised about traffic, and the ability to get fire trucks to the site over Parrish Gap and/or Delaney, as well as the provision for emergency services and ambulances.

As noted in their second comment, the Turner Fire District will provide more information during the hearings process as they become more aware of the facts of this case, including the building classification and the need for water storage and/or fire suppression sprinklers.

Access to the site is troublesome for a fire truck. First the access point is on a corner with limited sight distance. Second, a fire truck once it turns from Parrish Gap Road will immediately encounter a fence and gate, further impediments to quick access to an engulfed structure. There is no evidence of how wide the gate is, or when it will be open or if locked, when. There is only one way in and out of the plant. If there is an obstruction, which often happens in the chaos of a fire, the fire truck will be further impeded. If the obstruction is in the first 200+ feet, before the loop road, the fire truck will not have the ability to even get to the fire. If the obstruction is on the loop road, precious time will be lost in the fire truck backing up to find a turn around or a traverse point. The current design of the plant is not conducive to adequate fire protection, and without the ability of the Turner Fire District to quickly access the site the potential for fire to spread to surrounding areas and turn into a wild fire is very high. Wild fire is an emerging concern in rural Marion County, and must be accounted for in the siting of any new facility.

There is no evidence in this Record about how this plant will be served with water. There is no well even shown on the site plan. There is no water storage tank shown. Given the size and equipment in this plant, there is the potential for a significant amount of water needed to fight an industrial plant fire, more water than there are tankers to provide it. There are no fire hydrants anywhere in the area. The proposed plant has an enclosed structure that is 15,000 sq ft for drying the hemp. It is unknown if drying will be assisted by a heat source in the building, but such is presumed. With a heat source, be it natural gas or electric, the fire hazards of this facility sky rocket. The property is in the SGO-5, so access to groundwater is extremely limited. Diverting precious water for industrial uses in a limited groundwater area, especially in quantities necessary for fire prevention of this huge facility, does not amount to adequate fire protection, and this criteria is not satisfied.

The third criteria is that the proposal will not have a significant adverse impact on

watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.

As noted, the property is in the SGO-5 limited ground water area. Without any information from the applicant about its needs for water, in how much quantity, or where it is going to come from, they have failed to meet their burden of proof that there will not be a significant adverse impact on the local aquifer. The SGO-5 area has already established the lack of groundwater for new wells, a fact that has not been addressed.

The proposal includes not one, but two new septic systems on the property, each in close proximity to the other. Why two are needed is not explained. There is no evidence that it is feasible for there to be two septic systems constructed on this one site. While it is understood, obtaining an adequate septic system can be made a condition of approval, but if that theory is implemented there has to be an evidentiary showing of feasibility. Without that evidence, a condition of approval can not stand. The same is true for the provision of an adequate water supply.

This criteria also addresses land and soil quality, and there is no evidence presented that having two septic systems in close proximity will not adversely impact the areas land and water system. Rogers Creek is nearby to the south. Battle Creek is immediately to the east. McKinney Creek is also to the east. There is no evidence submitted that discharges from the proposed plant, either by way of plant discharge or from the new septic systems, will not adversely affect these local creeks. As such, this application fails to meet the necessary requirements for compliance with this third EFU criteria.

The last relevant criteria requires the applicant to demonstrate with substantial evidence that any noise associated with the use will not have a significant adverse impact on nearby land uses.

Of course as with all of this application, there is no evidence submitted with regard to noise. There is limited evidence on the site plan about the equipment to be inside the buildings, but online resources indicate that where a plant's purpose is to obtain CBD oil, there are grinders and hammers and other equipment that are used to extract the oil from the hemp. Since the site plan shows an extraction area that is 12,000 sq ft in size, it must be assumed it is CBD oil that is being extracted, and noisy equipment is necessary to do the extracting. No evidence is submitted on how the extraction building will be constructed, so there is no information if any noise suppression architecture will be employed.

In short, there will be noise, that much is clear. What the applicant has failed to do is meet their burden of proof to show that noise that is generated will not adversely impact nearby farms, farm animals, or farmer residences. Without such evidence, this criteria is not satisfied.

This application is woeful in the lack of information submitted to support it, and because of that, the EFU criteria can not be complied with and this application must be denied.

In addition, the applicant has submitted no evidence whatsoever that demonstrates compliance with the mandatory approval criteria set forth in MCRZC 17.136.060(D), thereby also mandating that this application be denied.

The first criteria in MCRZC 17.136.060(D) requires that the processing plant proposed be primarily a customer or supplier of farm uses. In this case, the proposal is a processor, so it can be



neither a customer or supplier. The processor is a middle man, between the grower and the wholesale distributor. They are not a customer of the farmer, they don't buy the hemp for their own uses, they simply charge a fee for processing the hemp. They are not a supplier either, as they supply no goods or services in the growing of hemp. They process the hemp only, and do not in any way participate as a customer or supplier in the process of growing the hemp. To affirm this position see the definition of what is a farm use in MCRZC 17.110.223, because to be a farm use, the hemp to be processed has to be grown on the land where the processor is located. That is not the case here. Specifically, the application admits that it will provide third party drying services to farmers from all over Oregon, clearly a service that is outside the scope of being either a customer or a supplier. For all these reasons, this applicant cannot comply with this criteria.

The second criteria in MCRZC 17.136.060(D) requires the applicant demonstrate that the proposed activity must enhance the farming enterprises of the local agricultural community to which the land hosting that commercial activity relates.

Not to beleaguer the point, but this application does not provide any evidence of what is enhanced, or who is enhanced, or where they are farming. Since hemp growers often dry and process their hemp on their own property and sell direct to a wholesaler, why does having this industrial plant in the farm zone enhance anything? Also with the newly approved processing plant in Woodburn, why is another plant here necessary?

This application is especially troublesome when the applicant says at one point the plant will provide drying services to farmers all over the state, but will only process for growers in the north county area. Since the north county area now has a processor of its own, there can be no enhancement for that which is already going to be served.

Given the size and scope of this proposed plant it is difficult to believe, and the applicant provides no evidence, that there is sufficient quantities of hemp being grown in south Marion County to warrant approval of this plant. The sheer size of this proposed operation will demand hemp be brought in from all over the state in order for it to justify its economic existence. The local area involved in this application is the area in and around Parrish Gap Road, and may include the south Marion County area that is east of I-5. Anything beyond that, and the processor will not be serving the "local agricultural community." Certainly, providing drying services all over the state, violates this criteria, and alone should mandate a denial of this application.

The concept that this Marion County code provision that requires enhancement of the "local" agricultural community can be extended to the entire state, and not even north Marion County some 30 miles away. Local means local, not statewide and not regional. Any interpretation of "local" to mean statewide, or even the northern part of Marion County would be out of context with the code, not in keeping with the text of the code, and violation of the purpose and intent of the code in protecting local Marion County farm operations. "Local" means the surrounding neighborhood in every definition you will find. A small area is typically referred to.

In *Richards v Jefferson County*, LUBA Case No. 2018-117, (Slip Opinion dated February 27, 2019 at Page 14), LUBA indicated that certain definitions could be applied "within the county or within a particular local area or agricultural sector." What LUBA meant was that a "local area" would be a sub-part of a county. It is simply plain wrong to interpret that the phrase "local agricultural community" means statewide, or a sub-part of Marion County that is so far away from

the processing plant location.

With no supporting evidence, this second criteria is not complied with.

Next, MCRZC 17.136.060(D) requires the applicant to produce evidence to show that its processing plant occurs “together” in the local community.

This code provision means that a hemp processing plant needs to be located amongst an area where hemp is the predominate crop. The processing plant being together with the grow operations is the requirement here. The applicant has produced no evidence whatsoever that there is any hemp being grown in this area, let alone enough hemp to supply such a large processing plant. In fact, the aerial photographs of the area show no hemp in production at all. The crops are wheat, hay, animals and dairy. It can not be said with a straight face that this processing plant occurs “together” with hemp growing in this local area.

This criteria also can not be complied with in this proposal.

Finally, the code requires evidence be produced that the processing of hemp as proposed in this application is “essential” to the practice of agriculture.

There is no evidence to support a positive finding on this criteria. In fact having a processing plant is not essential to the growing of hemp. Hemp has been grown in Marion County for several years now, without a processing plant like that proposed here. Farmers have routinely processed their own hemp and sold directly themselves.

Because a hemp farmer can process his/her own hemp, having a processing plant is not “essential” to the hemp industry, and this criteria can not be satisfied.

5. Size and Scope of the Proposal Requires it be Sited in an Industrial Zone

This proposed processing plant is out of proportion to the other uses in the area. It is such a complicated facility, as noted above, it does not qualify for siting in an EFU zone and must be located in an industrial zone.

The facility is fully fenced with a gate house to restrict access. There are few farm uses in Marion County that propose an industrial fence and a secure gated entry. Industrial properties however are routinely set up that way.

A very large percentage of the land mass will be covered in buildings and pavement, which is indicative of an industrial use, but certainly not a farm use. A review of the site plan shows the following square footage of proposed new building or structures:

Gate House	144 sq ft
Admin	6,000 sq ft
Extraction	12,000 sq ft
Inside Storage	50,000 sq ft

Inside drying	15,000 sq ft
Motorpool	<u>4,800</u> sq ft
	87,944 sq feet of buildings (over 2 acres)

In addition, the site plan shows the following additional facilities:

- Two Silos
- Three loading bays
- Outside drying space of 15,000 sq feet
- Parking area #1 has 53 parking spaces
- Parking area #2 has 10 additional parking spaces
- Truck parking area #1 has 10 truck parking spots
- Truck parking area #2 has an additional 10 truck parking spots
- Loading bay #1 will accommodate 6 trucks during loading
- Loading bay #2 will accommodate another 6 trucks during loading
- Loading bay #3 will accommodate still another 6 trucks during loading for a total of 18 bays

The site plan shows two septic systems, but no well. There is an outside drying area that is designated for use in the “future.”

There is a loop road around the facility, and cross hatched area inside the loop that are not identified. Is that area landscaped? Paved? Left natural? The site plan does not tell us.

In addition, the site plan does not show what is located on adjoining lands, and mislabels the location of existing buildings. There are no elevations of the facility so how it will appear, as well as the height of the silos is not known, or if all the required setbacks are provided for. It should be noted that the existing farmhouse is shown as one of the buildings near Parish Gap Road, however that is in error, as the house is actually located some 1,230 feet east of Parish Gap Road. Such errors bring into question the accuracy of the entire site plan which does not even present a scale from which things can be measured.

This kind of a facility is totally out of character in the protected EFU zone, and should not be allowed. This application should be denied, and force this use to the industrial area where it belongs, and where it will fit in.

6. Total Lack of Evidence Submitted to Support the Application

Under Oregon law, the approval of an application has to be based on findings that are supported by substantial evidence in the Record. Heretere is nothing by way of evidence to support this application. There is a short form statement of compliance with the criteria that is totally inadequate for the kind of proposal being made. There is a site plan, but no elevations. There is no way to know if the proposal complies with any development standards in the EFU zone. There is no statement about compliance with water restriction in the SGO-5 area. In fact there is no mention of how this massive facility is going to get water or in what quantities or how it is to be used. There is not even identification of any existing wells identified on the site plan. There is nothing about traffic at all.

Many aspects of the site plan are inaccurate, especially the location of building and the

existing dwelling.

There is a notation of the need for two septic systems, but no information on whether or not they are feasible to construct. There is no mention of fire protection, fire hydrants, water storage, internal suppression or where the water will come from.

In short, this application lacks any indicia of a legitimate intent to site a facility. It seems to be more of fishing expedition to see if the county will bite. As currently submitted, there is not enough evidence to warrant further consideration of this application and it should be denied.

7. Conclusion

This application is fatally flawed in how it was put together, and fails to provide any justification to support the massive proposal under consideration. This application fails to comply with many code provisions, lacks substantial evidence, is not properly executed, and is filed in such a way that the county simply does not have jurisdiction to even consider it.

This application must be denied.

Yours truly,

WALLACE W. LIEN, P.C.

Wallace W. Lien

By: Wallace W. Lien

Exhibit A Assessor Map 8.2W.31
Exhibit B Assessor Map 8.2W.31CB
Exhibit C Marion County SGO Map
Exhibit D Aerial Photograph of Surrounding Area
Exhibit E Aerial Photograph of Subject Property

cc: Dr. and Mrs. D. Craig Anderson (w/encs)



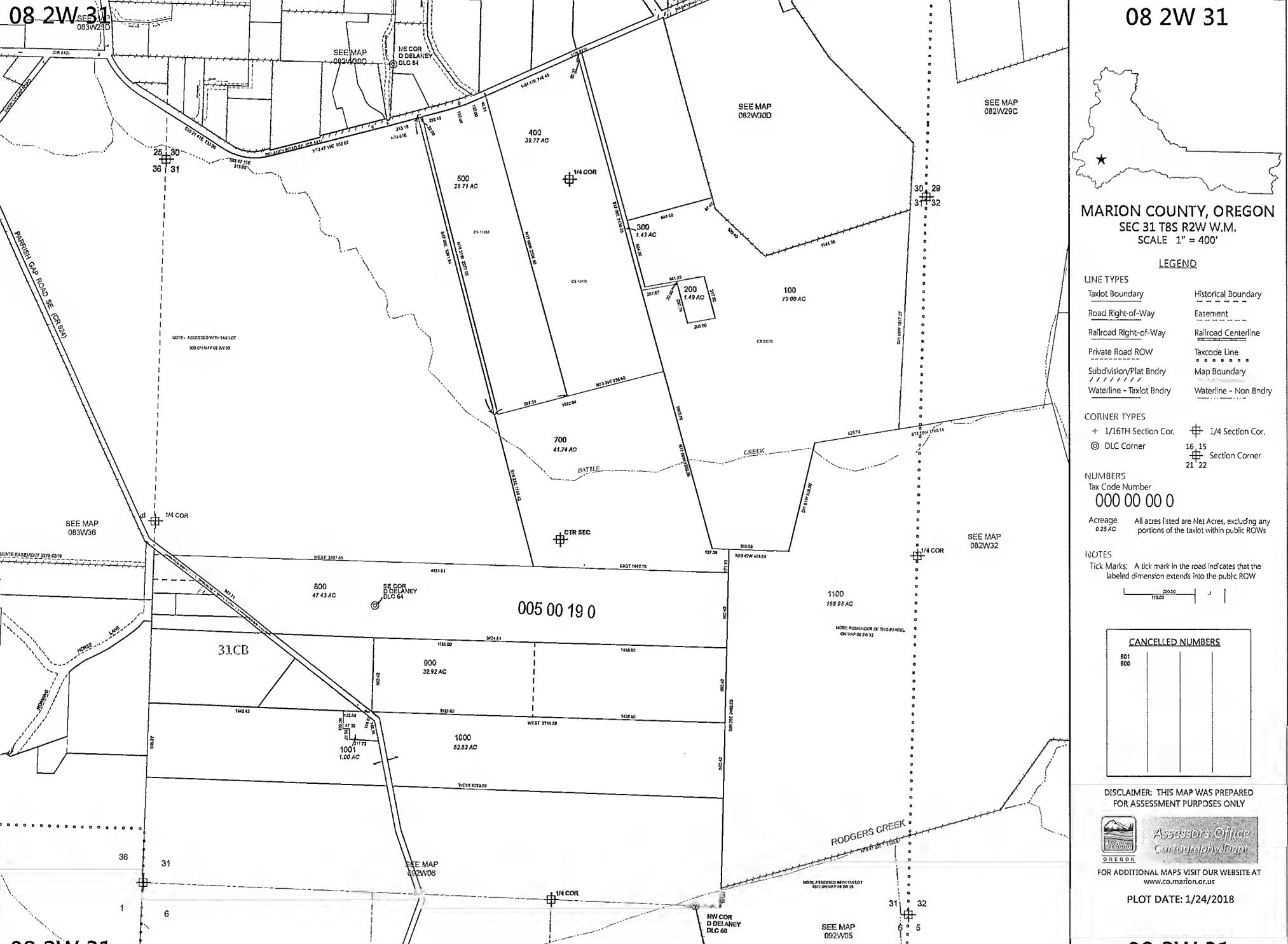
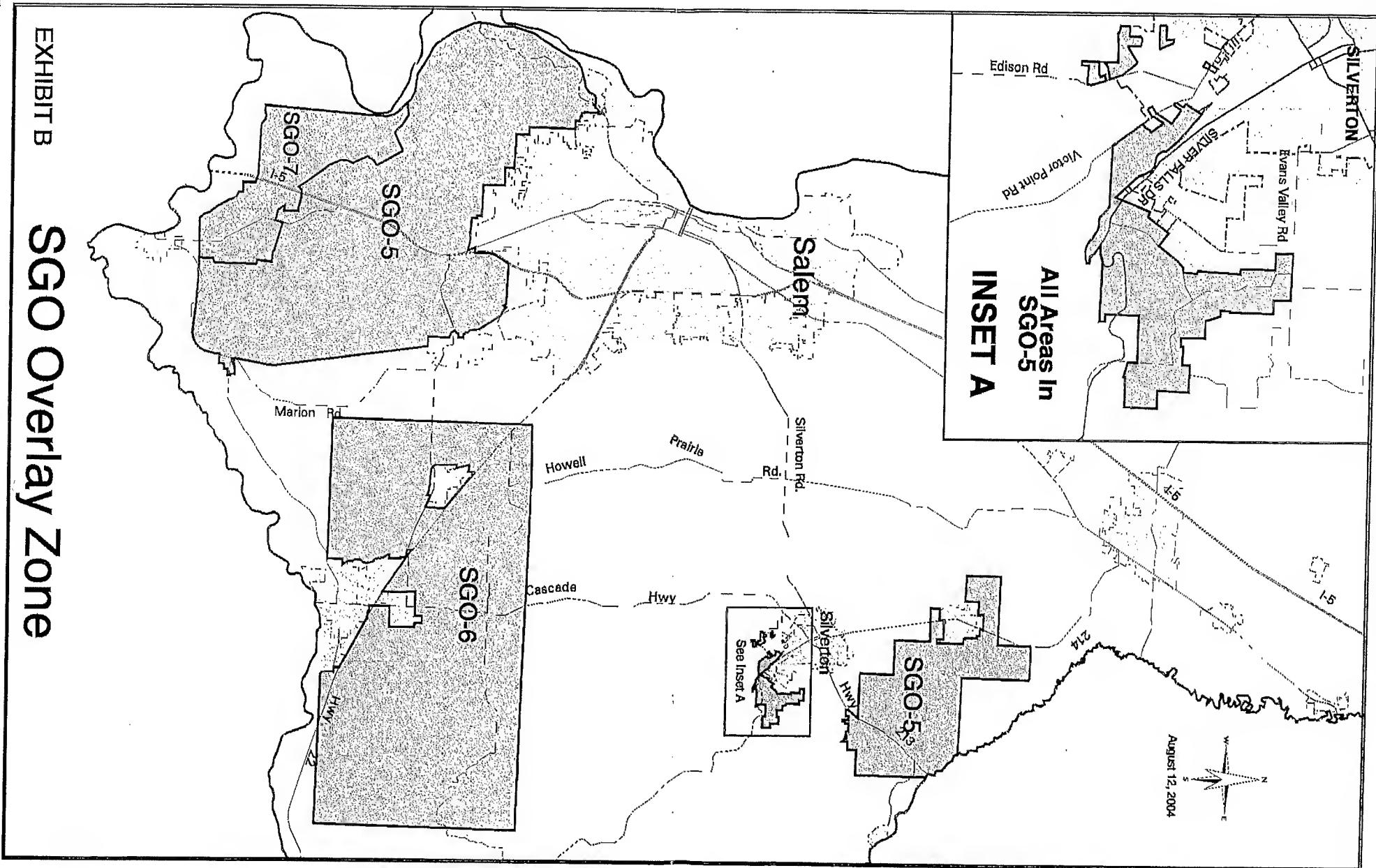


EXHIBIT B
SGO Overlay Zone





8710 Parrish Gap Rd SE



8710 Parrish Gap Rd SE

Seth Thompson - 8710 Parish Gap Rd

RECEIVED

From: Paul Jablonski < pauljablonski@q.com >
To: < slthompson@co.marion.or.us >
Date: 7/29/2019 3:51 PM
Subject: 8710 Parish Gap Rd
Attachments: Request_for_Comments.pdf; 8710 Parish Gap Rd.pdf

Please see the attached regarding 8710 Parish Gap Rd

Sincerely,
Paul D. Jablonski

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JUL 29 2019
Marion County
Planning

RECEIVED

MARION COUNTY PLANNING DIVISION JUL 29 2019
REQUEST FOR COMMENTS Marion County
Planning

CASE: Conditional Use 19-024
DATE: July 17, 2019
CASE: Conditional Use 19-024

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parrish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell Kenneth Safley
8710 Parrish Gap Rd SE 1211 SW 5th Ave, Ste 1900
Turner OR 97392 Portland OR 97204

The Planning Division is soliciting comments you may wish to have considered in the County's review of the above described land use case. A map of the subject property is attached.

Comments must be submitted in writing and received in our office by 5:00 on July 29, 2019. If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:

Seth Thompson Kenneth Safley
E-Mail: slthompson@co.marion.or.us 1211 SW 5th Ave, Ste 1900
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division Portland OR 97204
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
 We would like to receive a copy of the staff decision and notice of any public hearings in this case.
 Our comments are in the attached letter.
 Our comments are:

Name: Paul D. Jablonski
Agency: 503-763-2735
Phone: 3701 Delaney Rd SE
Address: 29Jul2019
Date:

RECEIVED

JUL 29 2019

Marion County
Planning

Paul D. Jablonski
3701 Delaney Rd SE
Salem, OR 97317
29Jul2019

Mr. Seth Thompson
Marion County Planning Division
5155 Silverton Rd NE
Salem, OR 97305

Dear Mr. Seth Thompson:

I recently became aware of the proposal by Jupiter Pharma, Inc. to establish a hemp processing facility on two parcels of land containing 37.61 acres at 8710 Parish Gap Rd SE. Upon learning this I became greatly concerned. Why is the county considering allowing an industrial operation on Exclusive Farm Use land when there are plenty of industrially zoned locations available elsewhere? My wife and I only recently purchased our home which lies directly north of the proposed operation. While my property does not adjoin the 37.61 acres, a southerly breeze will certainly take whatever wafts from their operation straight up to my porch and into the house. If this conditional use is allowed I am certain that it will impact the property value of our home, our single largest investment. If this operation were in effect when we looked into purchasing this property we never would have bought it. Is Jupiter Pharma going to reimburse us along with our neighbors the lost value of our properties? I understand that the initial proposal is to process industrial hemp (the non-psychadelic variety), however, this plant still contains THC and will test positive in common drug tests. I also understand that marijuana is legal under Oregon State law but I am a Federal employee and I must also adhere to Federal law (and marijuana is illegal under federal law). Please understand also that I have a security clearance and as such undergo extra, random drug screening. When I lose my position of employment because of whatever wafts from the 8710 Parish Gap Rd SE property, is Jupiter Pharma going to compensate me?

I have no problem with the property at 8710 Parish Gap Rd SE being used for Exclusive Farm Use. However, I oppose the application for conditional use as a hemp processing facility.

Sincerely,


Paul D. Jablonski,

Seth Thompson - NO on CU permit application Cu 19-024(Bell)

RECEIVED

From: Ron Parker <ronparker@rcssalem.com>
To: "slthompson@co.marion.or.us" <slthompson@co.marion.or.us>
Date: 7/29/2019 12:23 PM
Subject: NO on CU permit application Cu 19-024(Bell)
Attachments: Bell dispute.pdf

I am writing to dispute the industrial activity, proposed for the Bell Property.

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JUL 29 2019

Marion County
Planning

I am the neighbor to the North of this property, our properties share a fence and I have concerns regarding this industrial, commercial activity that is being proposed.

8710 Parrish Gap Rd. SE Turner, Or 97392 (Section 31;tax lot 900)and (section 31CB;tax lot 900).
Concerns are as follows.

- 1.) Land is not zoned for this type of commercial activity.
- 2.) Water limitations, no current irrigation rights.
- 3.) The air quality will be impacted.
- 4.) Even though they wrote the contract in Rosemary Bells name, she is now trying to void this contract.
- 5.) Crops may not be grown on this property and will be trucked in from other grow sites, this can cause increased traffic to a already over burdened country road. This road has two lanes with little to no shoulder; my property has been involved in two accidents. One involving my barn, where an individual went off the road and ended in a spin and went through my barn causing over \$5,000.00 dollars damage, two times people have taken out sections of my fence, many additional crashes resulting in damage to neighboring property.
- 6.) Noise from the process of commercial activity will change the entire quiet farming community.
- 7.) I considered farming Marijuana when it became legal and decided I did not want the type of life that this type of activity will bring to our area.
- 8.) Cloverdale School is 1 mile away.

I dispute this industrial activity as completely wrong, for this area, my heritage on this land and my family being good stewards staying in good standings of the rules that impact our property. I have been working toward the farming limits set by Marion County, to farm and reach the limit set, as to be able to build a home on this property. All infrastructure and improvements have been through much hard work and financial hard ship. For this to be allowed it seems a rezoning of the area should need to happen.

Sincerely

Ron Parker

email s1thompson@co.marion.or.us
Subject NO on CU permit application Cu 19-024(Bell)

Seth Thompson - Conditional Use 19-024

RECEIVED

From: Ryan Schirmer <ryanschirmerdc@gmail.com>
To: <slthompson@co.marion.or.us>
Date: 7/29/2019 10:30 AM
Subject: Conditional Use 19-024

JUL 29 2019

**Marion County
Planning**

To whom it may concern,

This email serves as my comments and concerns on the proposed Hemp Processing Facility at 1810 Parrish Gap Rd SE, Turner Oregon 97392. While I do not object to a land owner building appropriate facilities on their property these proposed facilities are not and are in an absolute horrendous location. The proposed address is in a location that is difficult to access by average motor vehicle traffic much less truck traffic. As you can see on the ODOT data for this area from 2012 to 2016 Parrish Gap road has many accidents and even fatal motor vehicle accidents. Adding additional heavy equipment traffic to this area will only increase the prevalence of motor vehicle accidents and personal injuries. Access to the proposed facility will be an arduous journey in either direction. From the south you will have to traverse near Cloverdale Elementary and then on Parrish Gap take a 15mph corner and then go directly up a steep incline. From the north you will either have to travel up the steep Enchanted Way hill to take the above mentioned route or travel down Delaney to take a greater than 120 degree turn down a hill onto Parrish Gap (a difficult turn in a small car). Furthermore the location for this facility is placed on a blind corner that will require drivers unfamiliar with the area to make a turn that is unsafe for anyone who traverses this road. Through the years Parrish Gap Rd. has been the main access route for those traveling from Salem to all areas of the mid-valley east of I-5 from Salem to Turner to Stayton to Jefferson. This proposed facility will have a far more negative impact reaching a much larger area than this committee is being led to believe by Jupiter Pharma, Inc. While not opposed to property owners using their land as they see fit I strongly urge this committee to deny the application of a hemp processing plant at this location due to the many constraints on access for those trying to use this facility. There are numerous other location throughout Marion County where access will not be of such an issue. If you have any questions or would like any more information please either email or call my work number at (503)362-5555.

Sincerely,
Ryan Schirmer, DC

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JUL 29 2019

Seth Thompson - Conditional Use 19-024
Marion County
Planning

From: Aimee Foster <aimee_foster@yahoo.com>
To: "slthompson@co.marion.or.us" <slthompson@co.marion.or.us>
Date: 7/29/2019 12:14 PM
Subject: Conditional Use 19-024
Attachments: hemp farm.pdf

SEth;

Please see attached comments with respect to the above referenced request at 8710 Parish Gap Road SE, Turner. In case it is not abundantly clear by the comments attached, we are strictly opposed to the addition of a processing facility at this location.

Thank you,
Bob & Aimee Foster
5387 Pearson Road SE
Turner

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JUL 29 2019

MARION COUNTY PLANNING DIVISION Marion County
REQUEST FOR COMMENTS

DATE: July 17, 2019

CASE: Conditional Use 19-024

REQUEST: Application of Jupiter Pharma, Inc., to property owned by Russell W. Bell and Rosemary C. Bell, Trustees of the Run and Roaring Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.6 acres in an EUL (Exclusive Farm Use) zone located at 3710 Parrish Gap Road SE, Salem (15S, R3W; Section 31, tax lot 060) and (Section 31C3, tax lot 900).

APPLICANT(S): Russell & Rosemary Bell
3710 Parrish Gap Rd SE
Turner OR 97391

Kenneth Ballou
1211 SW 5th Ave, Ste 1900
Portland OR 97204

The Planning Division is soliciting comments you may wish to have considered in the County's review of the above described land use case. A map of the subject property is attached.

Comments must be submitted in writing and received in our office by 5:00 PM on July 29, 2019. If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:

Bob Thompson
E-mail: obthompson@co.marion.or.us
Phone: (503) 588-5038, Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our comments are:

We do not approve of this request. We moved to the country for the LACK of traffic & noise. This will bring more workers and tourists to the area. Also the amount of water required (1000 gallons, per acre, per day) could be a detriment to all local wells/water in the surrounding area. Also, EU does not include processing facilities. Do not allow this request to proceed.

NATURE: Aimee & Bob Foster

Agency: _____
Phone: 503-7074-1171
Address: 5387 Pearson Rd SE, Turner 97392
Date: 7/29/2019

Seth Thompson - comments 19-024

RECEIVED

From: "Bill & Bev" <billbewhite@gmail.com>
To: <slthompson@co.marion.or.us>
Date: 7/30/2019 10:36 AM
Subject: comments 19-024
Attachments: Scan0097.pdf

JUL 30 2019
Marion County
Planning

Hi, attached is the request for comments form - conditional use 19-024
Thanks
Bill White

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MARION COUNTY PLANNING DIVISION

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REQUEST FOR COMMENTS

JUL 30 2019

DATE: July 17, 2019
CASE: Conditional Use 19-024
Marion County
Planning

REQUEST: Application of Jupiter Pharma, Inc., on property owned by Ronald W. Bell and Rosemary G. Bell, Trustees of the Ron and Rosemary Bell Trust, for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone located at 8710 Parrish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

APPLICANT(S): Ronald & Rosemary Bell
8710 Parrish Gap Rd SE
Turner OR 97392

Kenneth Safley
1211 SW 5th Ave, Ste 1900
Portland OR 97204

The Planning Division is soliciting comments you may wish to have considered in the County's review of the above described land use case. A map of the subject property is attached.

Comments must be submitted in writing and received in our office by 5:00 on July 29, 2019.
If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:

Seth Thompson
E-Mail: slthompson@co.marion.or.us
Phone: (503) 588-5038; Fax: (503) 588-3562
Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305

PLEASE CHECK THE APPROPRIATE ITEMS:

- We have reviewed the proposal and determined that we have no comment.
- We would like to receive a copy of the staff decision and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our comments are:

We are opposed to the proposed use application of this property - the road and the curve not suited to resulting traffic, bad smell, applicant can't be trusted, in sed
- Name: Bill White decrying practices
Agency: SOP 710-2232 to acquire property
Phone: 4254 Ridgeway Dr SE - Turner
Address:
Date: 7-20-19

Seth Thompson - Record Addition - Case 19-024 - Bell

RECEIVED
From: Wallace Lien <WLlien@lienlaw.com>
To: Seth Thompson <S.Thompson@co.marion.or.us>
Date: 7/31/2019 10:04 AM
Subject: Record Addition - Case 19-024 - Bell
Cc: Wallace Lien <WLlien@lienlaw.com>
Attachments: Medford Plant denial Article.pdf

JUL 31 2019
Marion County
Planning

Good Morning

Attached please find an article regarding a hemp plant denial in Southern Oregon. Please include this email and this article in the Record of this case.

Critical to this article is that the county there found the processing of hemp to be the processing of a farm crop and therefore did not qualify as a commercial activity in conjunction with farm use. The use was found to be industrial, and not suitable for the EFU zone.

In addition, there is discussion about extraction techniques. One appears to use the chemical ethanol for extraction, the other butane heat. We have no evidence in this Record about how this operation would be conducted. If there is the use of ethanol, we are concerned about how much, how it is stored, and how the remnants are dealt with, as well as what the fire risk is and the risk to ground water. If it is a heat source, the article warns of potential explosions, which could lead to wildfires in the area.

While we do not know the ultimate disposition of this Southern Oregon case, the article raises concerns that are applicable here, especially the lack of evidence on processing, and the critical interpretation that processing hemp is an industrial use, not a farm use.

Wally

Wallace W. Lien
Wallace W. Lien, P.C.
wallace.lien@lienlaw.com

Virtual Office Directory:
P.O. Box 5730
Salem, OR 97304
phone: 503-585-0105

<http://www.lienlaw.com>

addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is prohibited.

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JUL 31 2019

Marion County
Planning

Medford Mail Tribune
August 6, 2018
Vickie Aldous

Jackson County planners have denied an application for a facility outside Eagle Point that would use ethanol to extract cannabidiol oil — a potential health aid — from industrial hemp.

Backers of the project are appealing the denial and had their first appearance before Jackson County Hearings Officer Roger Pearce Monday. Pearce will take up the issue again Oct. 15 as backers work to address concerns raised by planning and fire officials.

Recreational marijuana is now growing on the property along Brophy Road outside Eagle Point, according to D.J. McGinnis, compliance officer for Brophy Ranch LLC, which he says is the company that owns the property.

The company would like to switch over to industrial hemp, he said.

The hemp would then be processed using ethanol to extract cannabidiol, also known as CBD, a cannabis compound that doesn't make users high but is touted for its medical benefits.

The company would sell CBD oil to others who make oil-infused topical ointments, edibles and other products.

Jackson County's Planning Department issued a preliminary denial of the application for ethanol processing of industrial hemp on the land, which is zoned for exclusive farm use.

Jackson County Planner Ken Skyles said staff determined the proposal didn't qualify as a facility for processing a farm product. Instead, he said, the facility would be a higher impact industrial operation.

Skyles said the application was also missing key information.

McGinnis said Brophy Ranch LLC plans to hire a local land use consultant well versed in marijuana issues.

Pearce, the hearings officer, said he needed to know more about how the hemp would be processed in order to make a decision about whether the operation would be appropriate for land zoned for exclusive farm use.

He noted there are many examples of farm crops being processed into products, but there is a line where regular agricultural operations become industrial. Pearce pointed to the example of cotton. Weaving cotton into sheets would no longer be an agricultural operation.

"At some point, to me, it stops being processing a farm product," Pearce said.

He said the line can become fuzzy, such as with the processing of the plant foxglove.

"When do you stop being farm processing and become a medical lab?" Pearce asked.

Foxglove can be deadly, but it can also be used to make a drug to treat congestive heart failure and other ailments.

Oregon law governing exclusive farm use lands allows some other uses besides growing crops and raising animals, such as farm stands, berry processing and fertilizer sales.

Cheryl Johnson, owner of the local West Coast Baked Goodness cannabis edibles company, said the processing of hemp to create CBD oil should be allowed.

"It's like essential oils. We allow lavender extraction," she said.

Johnson said CBD oil can be used in medically beneficial baked goods, ointments and other products.

The Food and Drug Administration has approved cannabidiol-based drugs for treating seizure disorders.

Because it can ease anxiety, pain, insomnia and other symptoms of addiction, cannabidiol could be a promising treatment to help people addicted to cigarettes and opioids, according to studies published in addiction and neuroscience journals.

Other research has found cannabidiol could help with everything from acne to Alzheimer's disease.

Cannabidiol is different than the most well-known cannabinoid — tetrahydrocannabinol, or THC — which produces a high in marijuana users.

Jackson County Development Services Director Ted Zuk said processing CBD oil can pose a fire risk, whether it's processed with ethanol or other substances such as butane.

There is a potential for the extraction units, which are under pressure, to explode, he said.

McGinnis said backers of the extraction facility would follow safety precautions, including any requirements from Jackson County Fire District No. 3, which serves the rural Eagle Point area.

Johnson said when the public and media hear about exploding marijuana extract labs, such as butane honey oil labs, those are run by illegal operators who aren't following safety precautions.

Johnson said makers of health products prefer to buy cannabidiol oil processed with ethanol because it's a cleaner process than the oil made with butane.

McGinnis said significantly more cannabidiol oil can be produced with ethanol than through butane or carbon dioxide methods. Ethanol can also be extracted from the hemp itself, increasing the efficiency and productivity of the process.

The growing of hemp to produce CBD is becoming increasingly popular across the Rogue Valley and the state.

A glut of legal marijuana in Oregon has caused many growers and business investors to turn to hemp and cannabidiol production as the next lucrative venture in the cannabis “green rush,” the Associated Press reported in May.

Colorado has the most hemp production in the nation, followed by Oregon, AP said.

Hemp and marijuana are both varieties of cannabis.

Seth Thompson - One Additional Article on Hemp - for Case 19-024

RECEIVED
From: Wallace Lien <WLien@lienlaw.com>

To: Seth Thompson <SL.Thompson@co.marion.or.us>

Date: 7/31/2019 11:29 AM

Subject: One Additional Article on Hemp - for Case 19-024

Cc: Wallace Lien <WLien@lienlaw.com>

Attachments: Medford Hemp Article.pdf

Seth

Here is another Medford Tribune article. This one is on the problem with the smell of hemp as it dries. We do not know how the plant is going to be constructed, or how they plan to contain the smell of the hemp during processing, but we do know they have plans for future outside drying that is shown on the site plan. Smell is an issue that has already been raised, but I wanted to submit this email and the attached article to the Record to show that another community is having issues with the smell of drying hemp, such that it is a disruption to a school. This is relevant here as Cloverdale Elementary school is not too distant from the proposed plant.

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JUL 31 2019

Marion County
Planning

November 27, 2018
Medford Mail Tribune
Kaylee Tornay

For several weeks, a neighbor's skunky smell filled the air, and students at Oak Grove Elementary complained that their heads hurt and they felt nauseated.

Staff, too, were not pleased. They said the odor followed them to their vehicles and homes. From September through October, people at Oak Grove said, they were constantly aware that their neighbors were hemp farms ready for harvest.

"Many staff, students and families have significant concerns about noxious odor during the harvest season and its impact on the health of the students and the staff," said Michelle Cummings, Medford School District chief academic officer.

Hemp plants, cousins to marijuana, often release strong smells as their flavor-producing terpenes reach maturity. The scent of even a few rows of plants can travel far, and Oak Grove is within a quarter-mile of at least two industrial hemp grows.

Oregon law requires industrial hemp to be at or below 0.3 percent THC, the psychoactive molecule in marijuana, so whether it's smoked or incorporated into comestibles, any kind of high is next to impossible — even more so when it comes to plants growing in the field.

In 2016, a senior policy analyst with the Oregon Department of Environmental Quality told the Eugene Register-Guard that while the department was getting plenty of pot-related complaints about fumes, it wouldn't regulate smells because they are not considered toxic.

Hemp farming is popular in Jackson County: more licenses to grow the crop were issued here last year than in any other Oregon county. Processed hemp can be used for medicinal, textile and cooking purposes.

The hemp farms flanking Oak Grove are on county land owned by several family trusts, according to county property records; the western edge of Oak Grove's property serves as Medford's city limit, so school officials asked county commissioners to get involved.

Commissioners Rick Dyer and Bob Strosner visited the school, Dyer said.

The smells weren't quite as prominent that day, he said. But in classrooms directly adjacent to the property, hemp plants — often difficult to distinguish from marijuana plants in sight and smell — could clearly be seen.

"People have what I think are legitimate concerns," Dyer said.

But there's little the county can do about the hemp operations' proximity to the school, he said.

Hemp is an agricultural crop, and is therefore regulated by the state.

Marijuana, in contrast, is subject to the county's discretion regarding time, place and manner.

The land in question is zoned as exclusive farm use, which protects all kinds of agricultural operations, Dyer said.

"If it was a pig farm, it would be protected the same way that a hemp operation is," he said. "I don't think people have quite acclimated to it yet."

He connected Oak Grove officials with someone he thought might be able to help: state Sen. Alan DeBoer, whose term representing District 3 will end in January.

DeBoer said he doesn't think there's much for the state to do about the hemp farms being there, but he is looking into options for air scrubbers to help staff and students breathe easier during the harvest weeks.

"That to me seems to be the simplest and easiest solution," he said.

He said the school district might be able to receive funding through the state Emergency Board if it applies for help and demonstrates its need.

DeBoer said the situation at Oak Grove highlights a lack of preparedness for dealing with the impacts of hemp being regulated as a crop.

"We weren't ready for it as quickly as it came," he said.

Cummings said that air scrubbers might be a potential solution but indicated the district might be open to advocating for other actions at the state level going forward.

"I'm going to say that's a possibility," she said, "but the more long-term response for the health of the children of the state of Oregon may be to consider some of these procedures, given what we now know of the impact of a hemp grow next to a school."